

2003-2005

ENVIRONMENTAL PERFORMANCE PARTNERSHIP AGREEMENT / FY'04 SAR

**Wisconsin Department of Natural Resources and
United States Environmental Protection Agency**

By entering into this Environmental Performance Partnership Agreement (EnPPA), Region 5 of the United States Environmental Protection Agency (Region 5) and the Wisconsin Department of Natural Resources (WDNR) commit to work as partners with the public to improve Wisconsin's environmental quality, strengthen the relationship between our agencies, and account for our progress toward meeting environmental goals. This EnPPA outlines the principles, processes, and actions the agencies will take to meet these commitments.

In so doing, Region 5 and WDNR also recognize that this agreement does not extend to or substitute for independent interactions and agreements involving Region 5, WDNR, and any federally recognized Native American Tribe in Wisconsin.

We hereby enter into this EnPPA which remains in effect from July 1, 2003, until September 30, 2005.

For the Wisconsin Department of Natural Resources

Scott Hassett, Secretary
Wisconsin Department of Natural Resources

Date

For the United States Environmental Protection Agency, Region 5

Thomas V. Skinner, Regional Administrator

Date

ENVIRONMENTAL PERFORMANCE PARTNERSHIP AGREEMENT FOR 2003 - 2005

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EXECUTIVE SUMMARY

Environmental Performance Partnership Agreement between USEPA, Region 5 and WDNR

Environmental Performance Partnership Agreements (EnPPAs) are innovations that provide greater discretion to states to identify and address critical environmental issues. Through such a partnership, the United States Environmental Protection Agency - Region 5 (Region 5) and the Wisconsin Department of Natural Resources (WDNR) have established shared priorities that focus both agencies on these critical issues. In this way, resources of both agencies are conserved and directed in the most appropriate and mutually agreeable fashion.

This EnPPA does not change any agreements or interactions that either the State of Wisconsin or USEPA Region 5 has with any federally recognized Native American Tribes within the State.

In previous EnPPAs, there has been a focus on the following:

1. Documenting grant requirements through easy to understand program charts.
2. Documenting partnering efforts.
3. Selecting joint priority projects.
4. Combining the EnPPA and Self Assessment Report into one document.
5. Improving program communications through Region 5 and WDNR program meetings.
6. Focusing those program meetings on priority setting, problem solving, real partnering, etc.
7. Starting to develop and add a few environmental outcomes and performance measures to the EnPPA and use those measures in the environmental decision making processes.

With budget cuts at the state and federal level, shrinking resources, national interest in more innovation and making the EnPPA more efficient and effective, WDNR and Region 5 need to continue to build on the EnPPA. Thus, we will continue to focus and build on those previous seven areas and will be expanding three areas:

1. More program efforts and commitment to communication and being “real partners”.
2. Significant and joint program innovation as a way to be more efficient and effective.
3. Greater efforts, by each program, to develop a significant number of environmental outcomes and performance measures. It’s expected that measures will be used in the environmental decision making process on setting program priorities and fostering real program discussions and communication.

Also, in this EnPPA, Region 5 and WDNR have committed to jointly concentrate on the Fox River, Brownfields, and National Environmental Information Exchange Network. In addition, Region 5 and WDNR will continue to focus on a number of program partnering opportunities and efforts which can be found in the media specific program agreements (section VIII).

While both agencies recognize that we still have a significant way to go to get to an ideal relationship, this EnPPA has already resulted in significant movement in the right direction.

I. INTRODUCTION

A. Parties to this EnPPA

The parties to this EnPPA are the Wisconsin Department of Natural Resources (WDNR), representing the state of Wisconsin and the U.S. Environmental Protection Agency (USEPA) - Region 5 (Region 5) representing the U.S. Environmental Protection Agency in Washington DC.

WDNR, as defined under State of Wisconsin statutes, is responsible for managing natural resources and protecting environmental quality in the State of Wisconsin.

USEPA, as defined under federal statutes, has a fundamental responsibility to protect the integrity of the nation's environment and the health of its diverse citizenry.

B. Purpose

A major purpose of this Environmental Performance Partnership Agreement (EnPPA) is to identify Region 5's and WDNR's responsibilities and how best to work together for the benefit of the public and environment. These responsibilities include meeting federal and state environmental requirements; outlining how both agencies will collaborate to achieve joint priorities; identifying WDNR's and Region 5's work commitments and corresponding reporting requirements in the Self Assessment Report (SAR) for the federal environmental grants covered by this EnPPA and providing a basis for funding some of WDNR's environmental management activities. This EnPPA¹ applies to the activities and results Region 5 and WDNR will complete and accomplish from July 1, 2003, through September 30, 2005, under the consolidated work plan derived from WDNR's Integrated Work Planning System (IWPS) and Region 5's Agenda for Action¹. This EnPPA does not extend to or substitute for any agreements or interactions the State of Wisconsin or USEPA has with federally recognized Native American Tribes in the State.

This EnPPA is designed to be consistent with the National Environmental Performance Partnership System (NEPPS) (see overview in Appendix A). The parties concur with the principles of NEPPS and proceed accordingly. One of the basic goals of the EnPPAs, prepared under NEPPS, is to shift the primary focus of the dialogue between Region 5 and WDNR away from activity measurement and toward identification of environmental priorities and the appropriate actions to address those priorities. This framework is more fully detailed in Section I. D. - Changing the State / Federal Relationship.

C. Region 5 & WDNR - Building on a Successful Partnership

Over the past twenty-five years the achievement of many national environmental goals has been accomplished by individual states through approval of state programs that implement federal programs administered by USEPA. This approach has been very successful in improving the land, air and water resources of the nation. Working together, Region 5 and WDNR have contributed to many environmental success stories.

¹ This EnPPA will cover a 27 month period of time and is intended to bridge the gap between the State (FY) and Federal fiscal (FFY) years. It's also the intent to have the last 3 months of this EnPPA replaced (July 1 to June 30 /24 months and July 1 to September 30/3 months) by a new EnPPA. But, if a new EnPPA isn't signed by July 1, a grant work plan (EnPPA) will be in effect for the last 3 months of the FFY.

This approach was designed for, and worked well under, circumstances which were different than those we know today. As agencies and programs have matured, our concerns have changed. Problems are regional, national, and international in scale, as opposed to being confined solely to individual point sources. We have the capacity to measure pollutants at smaller and smaller concentrations and better understand the impact of these small quantities on human health and the environment. Change in relationships between states and the federal government, as well as between the regulators and facilities, is also occurring.

While meeting regulatory requirements is still important, Region 5 and WDNR are seeking ways to move from the command and control activity-based approach to one based on environmental and human health goals and results. Both agencies recognize the need to move forward in the coming years by shifting the measurement of our success from traditional activity outputs to environmental results. This EnPPA is the next stage in building on a successful partnership between WDNR and Region 5 with more emphasis on environmental results.

D. Changing the State / Federal Relationship

Region 5 has supported changes to the federal/state delegation system to encourage less process-oriented oversight, greater flexibility, use of environmental outcomes as measures of success, joint priorities, innovative environmental strategies, administrative efficiency, shared resources, and meaningful public involvement. These NEPPS concepts are reflected in Appendix A.

The NEPPS approach reflects the advances made in environmental protection and recognizes that existing policies and management approaches must be modified to ensure continued environmental progress. In time, balanced reporting and environmental indicators, complemented by other program performance measures, will show fulfillment of Region 5 and WDNR commitments under the EnPPA and provide data to analyze the effectiveness of different approaches to environmental protection.

Recognizing the nature of contemporary environmental problems and the changing federal/state relationship, Region 5 and WDNR have crafted this EnPPA to achieve more of the following:

- Provide flexibility to address priorities across media and allow the allocation of resources to address those priorities.
- Improve environmental performance by establishing a meaningful system of measures and encourage innovative solutions to environmental problems.
- Demonstrate administrative savings through changes to the grant work plan and associated reporting process.
- Strengthen our partnership through shared goals and resources and use each other's strengths.

E. WDNR's Integrated Work Planning System

In April 1996, the WDNR established a Work Planning Redesign Team, and charged the team with the following responsibility: "To develop a unified work planning process to be used across the new organization that results in a uniform product that supports our mission and focuses on customer needs. The new process should address the previously identified problems and assure that work plans establish clear direction on work priorities and objectives, facilitate program

integration, establish accountability for their implementation and are adjusted to account for new information or modification in resources."

This system has been expanded and used by WDNR program managers to develop an integrated, multi-disciplinary work plan covering the State of Wisconsin biennial budget periods and the correspondent Federal fiscal years. The Integrated Work Planning System (IWPS) is fundamental to this EnPPA, providing the forum for documenting commitments and intended outcomes as well as establishing a process for Region 5 and other stakeholder involvement in priority setting. This system is web-based, easily accessed and used, captures planned resource use and allows for easy report development. This process is detailed in Appendix B – Identifying Agreement Responsibilities and Action Dates.

II. JOINT PRIORITIES

Another goal of this EnPPA is to take advantage of priorities that are distinct to the role of both agencies. This section covers the process used to select Joint Priorities (JPs) as well as how WDNR and Region 5 will collaborate to achieve JPs. The selection process highlights the overall priority between Region 5 and WDNR to focus increased efforts on measuring and managing for environmental results. There are four JPs for this EnPPA and they are Brownfields, Fox River, Innovative Strategies and National Environmental Information Exchange Network.

A. Process for Selecting and Pursuing Joint Priorities

This section describes the JPs selection process and outlines an approach for addressing them over the next two years. Although concentrated on the current EnPPA, this process will form the basis upon which future priorities are selected and pursued.

Selection Process

1. Initial discussions occurred between the two EnPPA co-sponsors and two EnPPA co-team leaders. The purpose was to review:

- agency goals
- strategies/Secretary's issues objectives and priorities
- national guidance
- Region 5's "Agenda for Action" (see Appendix D)

The output from the discussion resulted in discussion draft JPs that were shared with the Region 5 and WDNR programs.

2. Region 5 and WDNR programs reviewed the draft proposals, developed more specific proposals, appointed co-leads for each JP and asked each co-leads to develop a detailed plan of action for inclusion in the EnPPA.

3. Final action plans were documented by the JP co-leads on the standard EnPPA format/chart and provided to the EnPPA co-team leaders for inclusion in the Agreement (see charts in this Section).

Implementation

1. JP co-leads not only develop a detailed action plan, they also ensure that the priority receives attention and focus by appropriate staff in both agencies. Co-leads also periodically communicate the progress of their JP to the EnPPA co-sponsors.
2. The actual activities, schedules, outcomes, etc. for each JP are listed below.

Evaluation

The JP selection process will come full circle during the evaluation phase. JPs will be evaluated annually as part of the SAR process. In addition, near the end of the two year EnPPA cycle, the commitments and JPs will be assessed. Information gathered during the EnPPA cycle will be used by Region 5 and WDNR to set priorities for the next cycle.

B. Joint Priorities for the EnPPA

In order to focus resources and address crucial concerns in Wisconsin, Region 5 and WDNR have, for the duration of this EnPPA, embarked upon long-range, joint strategic planning. Priority areas being addressed together are listed below. Both agencies desire to complement each other's work in these areas and to jointly achieve solutions that improve the environment.

Fox River Project

WDNR and Region 5 both agree that the Fox River effort be a continued JP for the 2003-2005 biennium. From 1998 through early 2003, the Fox River effort was focused on the Remedial Investigation/Feasibility (RI/FS) phase and completion of the Record of Decision (ROD) for Operable Units (OUs) 1 and 2. This state lead Superfund effort at WDNR includes three programs: Remediation and Redevelopment (RR), Watershed Management (WT) and Communication and Education (CE). These joint efforts between Region 5 and the RR, WT, and CE programs in WDNR have provided a good start for Fox River cleanup efforts.

We expect that these joint efforts will produce the ROD for OUs 3, 4 and 5 in mid-2003, and that remedial work will be initiated in Little Lake Butte des Morts during the 2004 construction season. Following completion of the ROD for OUs 3, 4 and 5 and negotiation of Consent Agreements for design and implementation, the agencies' effort will shift into the Remedial Design phase, and later Remedial Action. Fox River cleanup will be a long-term ongoing effort. For this effort, we expect the existing roles of the programs to continue as work on the Fox River cleanup progresses. RR provides project management on work associated with the Superfund Cooperative Agreement. WT provides project management associated with expenditures related to use of the API agreement. CE provides outreach and public information. Region 5 provides technical review of documents, negotiation of agreements, community relations support and timely/sufficient Superfund financial assistance.

Brownfields

WDNR and Region 5 both agree that the Brownfields State Response Program be a continued JP for the 2003-2005 EnPPA. The two agencies have a long history of joint efforts in the area of cleaning up and reusing contaminated lands. Beginning in 1995, EPA provided funds to assist WDNR in developing administrative rules and programs to implement the 1994 Wisconsin Land Recycling Law. More recent joint efforts have focused on (1) community outreach and education on brownfields incentives at the federal and state levels and (2) identifying and

removing federal and state barriers to cleaning up and reusing brownfields. For 2003-2005, the efforts to develop programs, provide outreach and education, and identify and remove barriers will continue. In addition, WDNR and Region 5 will work together to further develop and enhance WDNR's current response program, including (1) greater coordination and education on federal brownfields grants and (2) developing and implementing a multi-program memorandum of agreement (MOA) to clarify federal and state cleanup roles and responsibilities. These efforts will support the various federal and state programs seeking to cleanup contaminated properties and convert them to beneficial uses—liquid underground storage tanks (LUST), Superfund, Resource Conservation and Recovery Act (RCRA) corrective action/closures, and state enforcement and voluntary cleanup actions under the State's comprehensive Spill Law. Particular emphasis will be placed on (1) proactive survey and inventory of the universe of contaminated sites, (2) oversight and enforcement authorities or other mechanisms and resources to accelerate cleanups and redevelopment, (3) mechanisms and resources to provide meaningful opportunities for public participation, (4) mechanisms for approval of cleanup plans and certification that cleanups are complete, and (5) improving the public record through geo-location of all contaminated properties and historic disposal sites.

Innovative Strategies

On March 25, 1999, Region 5 and WDNR entered into a Memorandum of Agreement (MOA) affirming their joint commitment to regulatory innovation. The MOA addresses the implementation of Wisconsin's Environmental Cooperative Pilot Program and establishes the parameters for a process for timely review and approval of innovation proposals. Both Region 5 and WDNR are interested in environmental protection through innovation, whether by finding cleaner, cheaper, smarter ways of ensuring the environment is protected or by looking at non-traditional regulatory methods. Region 5 and WDNR will work together to insure new approaches are protective of the environment as well as legally protective to facilities. Region 5 and EPA will work together to identify transaction costs and jointly develop ways to effectively manage those costs. WDNR will negotiate the proposals with each facility so that the resulting Agreements will include goals for better environmental protection and pollution prevention as well as systems for EMS capabilities, inclusive stakeholder processes and environmental risk management. Region 5 will provide consultation, and when necessary, identify federal legal requirements.

Region 5 and WDNR will work to align Wisconsin's innovative programs with EPA's National Performance Track Program. Our collaboration will be designed to motivate and reward superior environmental performance. Program elements will recognize top environmental performers and provide incentives for continual improvement. Region 5 will work closely with WDNR on the review and coordinate site visits of WI's applicants. The two agencies will develop stronger relationships with facilities and gain a better understanding of the Environmental Management Systems as a means of managing and improving environmental performance.

National Environmental Information Exchange Network (Exchange Network)

The Exchange Network is an important shift in concept for our shared environmental information responsibilities. Currently WDNR collects and processes environmental information in the execution of authorized program responsibilities. WDNR provides this information, as

appropriate, to Region 5 for their oversight, and for regional and national assessment functions. This duplicity results in twice the cost for the "same" information. It also introduces errors and misunderstandings due to timing issues and data source confusion.

The Exchange Network presents the first option for change from less than effective duplicity since the start of the environmental programs in the late 1970's. Under the Exchange Network vision, data would be managed at the point that it is submitted to the appropriate regulatory agency. The Exchange Network would make the data available to a user as if it all came from one source. Region 5 and WDNR would only pay for the data once and the different sources would be transparent to the requester. This cost reduction is critical to WDNR at this time.

It has been stated that the EPA Administrator and the Environmental Council of the States (ECOS) have long stressed the need for transparency. It is important for the public to know what state and federal environmental programs are doing in order to build support their efforts. Full implementation of the Exchange Network will make that transparency a certainty. It has also long been a goal of state and federal environmental agencies to be able to clearly illustrate, through data, to oversight authorities such as to the General Accounting Office, that their efforts to improve the environment have been effective. Full implementation of the Exchange Network will make it easier to show the effectiveness of our mutual efforts to improve the environment.

WDNR has received FY '02 Exchange Network Readiness funding to develop its "node" on the Exchange Network and to initiate flowing our facility information – both should be accomplished by late summer in 2003. WDNR applied for FY '03 Exchange Network funding to develop a registry for corporate geospatial data, and to develop flows for the:

- National Emission Inventory
- Resource Conservation and Recovery Act
- Integrated Water Quality Monitoring and Assessment Report and 305B Report
- Safe Drinking Water Act programs

Unfortunately, WDNR has been notified that the available grant resources is far less than expected so WDNR will not be able to develop flows for all the environmental programs listed above. However, our application continues to fund the corporate geospatial registry.

C. Actual Joint Priorities

The purpose of the following JP charts is to document, tabulate, and eventually to evaluate Region 5 and WDNR JP work efforts and to ease the annual evaluation process for Region 5 and WDNR.

Following are column definitions for the charts:

Region 5 and WDNR Activities - These are the program/staff activities that complement the JP and partnering efforts with Region 5.

Funding - Shows the source of the funds used to accomplish WDNR activities.

Performance Measures or Outcomes - These measurements are intended to address two areas. First is to identify National Core Performance Measures, GPRA, and Reporting Requirements

and secondly to use this EnPPA as a opportunity to have the Region 5 and WDNR programs move from total “bean counting” to some jointly agreed upon environmental measurements that both programs can use to evaluate environmental progress and effectiveness.

Region 5 and WDNR Self Evaluation - This column illustrates how WDNR and Region 5 programs will evaluate and report the results of their activities and will occur annually. The self-evaluation will cover the July 1 through June 30 time periods.

Brownfields Cleanup and Redevelopment

Note: See the WDNR's Remediation and Redevelopment program's web page to view the colorful national model report which contains all the evaluations and more. See [http://intranet.dnr.state.wi.us/int/aw/rr/p_measures/128\(a\)grant_report_endofyear_final.pdf](http://intranet.dnr.state.wi.us/int/aw/rr/p_measures/128(a)grant_report_endofyear_final.pdf).

Program Leads

Region 5: Joe Dufficy

WDNR: Darsi Foss

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes		WDNR and/or Region 5 Evaluation FY'04
			Measures	Target Numbers	
1	Public Record Requirement	S. 128(a)	-Number of estimated brownfields Enhancements to web data base: to identify institutional controls at property flag sites as PA/SI, NPL & SF Removal sites # of web hits to site/property data bases # of clean ups (closures) completed in FY 04 # of active sites in data base	TBD By Feb 04, database upgrades By Feb 04, database upgrades 3000 350	See the link listed above program leads
2	Timely inventory and survey	s. 128(a)	Survey: # of properties geo-located # of properties screened # of properties discovered # of staff hours per effort	2,000 200 150 TBD	See the link listed above program leads

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes		WDNR and/or Region 5 Evaluation FY'04
			Measures	Target Numbers	
3	Oversight and Enforcement Activities: pipeline acceleration limited audit of institutional controls coordination of geo-location efforts	s. 128(a)	Pipeline Acceleration initiative: # of sites targeted for acceleration/categories # of sites where RP action taken # of acceleration actions taken by category: letters referrals	2,600 70% 70% 5%	See the link listed above program leads
4	Continued: Oversight and Enforcement Activites	s.128(a)	Limited audit of Ics: # of staff hours to develop audit initiative #of sites inspected for compliance with institutional controls # of staff hours per audit % of sites in compliance # and type of follow-up actions	1000 25 TBD TBD TBD	See the link listed above program leads

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes		WDNR and/or Region 5 Evaluation FY'04
			Measures	Target Numbers	
5	Mechanisms and resources for public participation		# of brownfields grants: Assessments Cleanup # of redevelopment meetings # of workshops, trainings, etc. # of publications, newsletters, etc. progress on public participation rule revisions	100 10 100 5 15 Proposed Rule	See the link listed above program leads
6	Mechanisms for Approval of clean up plans, verification and certification	State funds	# Completed clean-up (closure) letters # Certificates of Completion Liability clarification letters/exemptions Grant support letters # of state staff/hours per action	350 10 50 25 TBD	See the link listed above program leads
7	Development of the One Cleanup Program MOA	Brownfields Core	By 10/03, provide draft MOA to EPA By 4/03, MOA to HQ for approval		See the link listed above program leads

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes		WDNR and/or Region 5 Evaluation FY'04
			Measures	Target Numbers	
8	Continuation of the Brownfields Study Group	s. 128(a)	Continue to identify policy & legal improvements Work on insurance initiative Support for OCP MOA		See the link listed above program leads

Fox River

Program Leads

Region 5: Jim Hahnenberg

WDNR: Ed Lynch for Superfund tasks/Greg Hill for API/NCR tasks

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1	WDNR and Region 5 Finalize the Record of Decision (ROD) for Operable Units 3, 4, and 5 of the Lower Fox River and Green Bay.	Superfund Fox River CA	Completion of the ROD for these units of the site by June 30, 2003.	OU 3 – 5 ROD and Responsiveness Summary completed in December, 2003
2	Preparation of the following for use in the remediation of the Fox River and Green Bay (Jointly with US and Wis. DOJ) -DEA report -LTMP -Pre-Design Sampling Plan -Minergy Reports on Vitrification -Electronic Data System	API/NCR Interim Settlement Funds	Completion for use in final remedy--Completion dates vary.	With the exception of the LTMP, all of these documents have been completed by the contractor, and posted on the Department's Fox River Project Web page. The draft LTMP is being revised based on final comments provided by both EPA and DNR.
3	Preparation of other yet to be identified remediation tasks to be funded by the API/NCR interim Settlement Funds.	API/NCR Interim Settlement Funds	This is dependent upon activities selected from subsequent years funding and approval by the implementation team.	The contractor has completed most of the field work and has begun submitting data summaries, reports, and displays of the surveys and mapping tasks. Completion of these tasks is scheduled by the end of the next reporting period.
4	WDNR and Region 5 (with US and Wis. DOJ) Negotiate an Administrative Order of Consent (AOC) with responsible parties for the design of the remedy for Operable Units 1 & 2 of the Fox River.	Superfund Fox River CA	Completion of negotiations. Pre-design sampling completed by December 31, 2003.	Negotiations were completed and the AOC signed with WTM I in June, 2003.
5	WDNR and Region 5 (with US and Wis. DOJ) Negotiate a consent decree with the responsible parties to implement the remedial action for Operable Unit 1.	Superfund Fox River CA	The remedial action is initiated in 2004.	Negotiations with WTM I and P.H. Glatfelter were completed and the CD was filed in federal court in early September, 2003.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
6	WDNR and Region 5 Initiate negotiations with the responsible parties for the RD and RA for Operable Units 3, 4, and 5.	Superfund Fox River CA	Hold initial post-ROD meetings with the responsible parties by September 30, 2004.	Negotiations are ongoing with GP and NCR.
7	WDNR and Region 5 Initiate the baseline monitoring under the Long Term Monitoring Plan.	API/NCR Interim Settlement Funds	Initiate the water column and fish tissue analysis by December 31, 2003.	Development and implementation of the long term monitoring plan is included in the negotiated RD work with the responsible parties.
8	Prepare detailed quarterly progress reports for WDNR and Region 5 managers to meet grant commitments and keep them informed on all significant Fox River activities and accomplishments.	Superfund Fox River CA and API/NCR Interim Settlement Funds	Quarterly reports with sufficient detail and clarity completed and submitted to WDNR and Region 5 managers within 30 days after the end of each quarter.	RR addressed for activities through December, 2003. has fulfilled this effort. As of January, 2004, this is WT responsibility

Innovative Strategies

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1	Innovation Strategies – listed below are the strategies to be undertaken as a part of the joint priority for innovation.		Set for each of the discrete tasks under the innovation strategy	
2	Cooperative Agreements Program Leads: WIDNR – Mark McDermid Region 5 – Wisconsin will continue the work on the environmental cooperation pilot program. This work will include the documentation of environmental results, amendment of agreement provisions and joint development of lessons learned. The lessons learned will inform the implementation strategy used for the Environmental Results legislation upon passage.	State	Annual Reporting Data Emmissions Reductions Waste Reduction Administrative Savings Stakeholder engagement Environmental Performance Testing	Detailed reports for each of the agreements, providing the outcomes achieved, is contained on the DNR web site at: http://dnr.wi.gov/org/caer/cea/ecpp/agreements/index.htm . Specific environmental gains in reduced emissions/discharges are reported for each company. Two of the agreements were amended over the course of the year and a third amendment is in process at the time of preparing this report. Extensive stakeholder engagement also occurred over the course of the year. One of the ECPP company's won the Business Friend of the Environment Award for their stakeholder engagement work. Green Tier has passed and become law. Implementation work, driven by ECPP lessons, has Green Tier ready to accept entities into the program.
3	Performance Track Program Leads: WIDNR – Mark McDermid Region 5 – Wisconsin will respond to compliance and performance information requests from Region 5 about applicant companies. Wisconsin staff will accompany Region 5 on site visits and respond to general information requests depending upon staff availability.	State	Facilities Enrolled in the Program Flexibility provided to Performance Track Facilities	Compliance information was supplied for 3M. Information was supplied about Snap-On Tools even though they withdrew from the program. No site visits were done in Wisconsin.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
4	<p>Sector Strategies Program Leads: WIDNR – Mark McDermid Region 5 –</p> <p>Wisconsin will work with Region 5 to align with sector initiatives supported by the Region as a part of the sector strategies coming from the Office of Policy Economics and Innovation. The goal of this particular strategy will be to identify multi-media approaches that can be used within a sector to experiment with the efficacy of an approach that addresses cross media solutions to environmental risk.</p>	State	Measures/Outcomes to be determined as a part of the implementation steps for the initiative	No sector work was initiated by Region 5. As a result no work was done on this initiative.
5	<p>Innovation Network Program Leads: WIDNR – Mark McDermid Region 5 –</p> <p>Wisconsin will participate in the Innovation Network now under development by Region 5. The scope and extent of participation will be jointly identified as the Network needs are established. This work may include the development of an application for the Innovation Grant program working within the priorities identified by region 5 and other priorities that may emerge from the implementation.</p>	State	Infrastructure developed to efficiently recognize, develop, approve and implement performance-based approaches to managing environmental risk	No innovation network was established. Wisconsin did complete the preproposal for the Innovation Grant and was selected to work through to the formal proposal part of the process.

Exchange Network

Program Leads

Region 5: Steve Goranson

WDNR: Tom Aten

#	WDNR – Region 5 Activities	Funding	Performance Measures or Outcomes	WDNR or Region 5 Evaluation FY'04
1	DNR and R5 will work together, and will enlist interested parties, to develop a data exchange template, or a SQL view, as appropriate, for geospatial analysis data. The template will identify information needed to locate and document environmental interests for Network queries.	WI - \$18K	An Integrated Project Team is formed under the Network Steering Board. A Geospatial Analysis Data Schema is developed to allow Network sharing of geospatial data.	Wisconsin Geospatial Pilot work group has been formed to pursue this initiative. Recently have added Chesapeake Bay folks. The Pilot will focus on Data Discovery and Data Sharing phases. Use cases and data flow diagrams are being developed.
2	DNR and R5 will develop procedures for mining information stores for relevant geospatial information		IPT members develop joint lists of geospatial analysis data holdings for this JP. IPT members develop procedures for extracting geospatial analysis data into the GADS.	This is the discovery phase which will follow the minimum metadata requirements of the Geodata.gov initiative and the Open Geospatial Consortium Catalog Interface specification.
3	DNR and R5 will develop protocols for allowing real-time access to the data stores for negotiated web service or surrogate requests.		IPT members define the web services to be developed for this JP. IPT members define and develop interface tools that enable users to understand the graphic interpretation of the geospatial analysis data	This is the data sharing phase which has two components. Real-time data access will likely be through the Web Mapping Service and Web Feature Service standards established by the Open Geospatial Consortium. Solicit response file transfer formats are being developed by the Geospatial Data Standard work group under the EDSC.

III. ROLE OF THE PUBLIC

Since the Conservation Act of 1927, which established citizen oversight of natural resource policy, Wisconsin has viewed the direct involvement of its public as essential to responsibly managing the State's natural resources. Citizen members of the Natural Resources Board; the Conservation Congress; participants at public meetings and hearings; advisory groups and all others who comment are directly involved in natural resource management and environmental protection.

With the 1996 reorganization of WDNR, this long-standing commitment to public involvement has been strengthened. The public will now be linked directly to WDNR's management systems through the Integrated Work Planning System (IWPS) and more formal partnership teams. This overarching system identifies all the activities WDNR does to manage and protect natural resources. It is based on the continuous quality principles of Plan, Do, Check, and Adapt. It assures that work is linked to the Department's mission and strategic objectives, that work is effectively integrated across programmatic and geographical lines and, most important, that stakeholders and staff know what is being done and why. The IWPS is just beginning. It will take time to realize the full potential of this system.

It is important to note that this EnPPA is built around a rich system of public participation that will accomplish several important public policy goals, namely:

- Establish environmental priorities based on local, place-based needs.
- Increase public confidence in the national and state environmental management systems.

USEPA illustrates its commitment to public involvement in decision-making with the Community-Based Environmental Protection (CBEP) model. CBEP's goals are to assess and manage the quality of air, water, land and living resources in a place as a whole, to better reflect regional and local conditions, and to work more effectively with our many partners in environmental protection, both public and private.

Both partners in this EnPPA understand the importance of early public involvement. Communities, including all types of stakeholders and agencies, are viewed as equal partners in the dialogue on environmental issues. The Region 5 Senior Management and WDNR Department Leadership Team (DLT) have actively looked for ways to improve stakeholder outreach, striving to get more involvement in environmental decision-making. Some shared guiding principles for public outreach and involvement include:

- Encourage and promote the active participation of communities and stakeholders by giving them a voice in all aspects of environmental decisions which affect their lives.
- Institutionalize public participation, with recognition of the value of community knowledge, and the underlying promise that the public's contribution will influence decisions.
- Utilize cross-cultural formats and exchanges in order to assure that the interests and needs of all participants are understood.

- Provide equal access to decisions made about the environments in which people live. Maintain honesty, integrity and scientific professionalism in the process of articulating goals, expectations and limitations.

Both agencies are committed to making this EnPPA a meaningful collaboration in the work they share. Both hope to garner increased public confidence in their efforts to improve the environment. To invite public comment on this EnPPA, public availability sessions will be held and public review sought at critical stages in the Agencies' planning and decision-making process. News releases and fact sheets will keep the Wisconsin public informed. The specific strategy that will be used to ensure public involvement in this process can be found in Appendix F.

IV. ROLES AND RESPONSIBILITIES FOR REGION 5 AND WDNR

A. Shared Responsibilities

Region 5 and WDNR have complementary missions to protect and restore the environment. In order to accomplish these missions, Region 5 and WDNR must maximize their resources and minimize activities that do not contribute to these objectives. Shared responsibilities include implementation of many federal programs. The success of these programs relies on provision for adequate resources, clear distinction of roles, and a high degree of cooperation between agencies. The involvement of stakeholders and opportunity for public participation is also a key shared responsibility and equally as critical to successful development and implementation of these programs.

During this EnPPA, Region 5 and WDNR will work toward a goal of optimizing the use of the agencies' combined resources to assure compliance. In order to best employ the full benefits of their partnership relationship, Region 5 and WDNR will identify targets for compliance and enforcement activities and share the responsibility for initiating appropriate enforcement actions.

Region 5's and WDNR's compliance assistance efforts will be measured and reported.

Region 5 and WDNR will mutually and openly share information on enforcement and compliance assistance activities.

The following two sections detail the roles and responsibilities of each agency in providing quality environmental programs which protect public health and Wisconsin's environment.

B. USEPA/Region 5 Roles and Responsibilities

The Federal government has a fundamental responsibility to protect the integrity of the nation's environment and health of its diverse citizenry. Both USEPA and individual states conduct environmental protection activities. USEPA carries out an important role by directly implementing some Federal programs, taking enforcement against violators, delegating or approving Federal programs for State operation and reviewing and evaluating State program performance. USEPA has a fiscal and statutory responsibility to ensure that Federal programs are carried out consistently across the country. In this capacity, its program review role

incorporates a variety of activities in general, from annual meetings with State program managers to file reviews. USEPA also builds the capacity of States and other partners by offering training and technical assistance, sharing work efforts, and conducting scientific and policy research.

Because pollution does not respect political boundaries, USEPA must ensure that a consistent level playing field exists across the nation. USEPA performs this vital function by providing leadership when addressing environmental problems that cross state, regional and national borders and by ensuring a consistent level of environmental protection for all citizens. The Agency fulfills these responsibilities by working with its many partners - other federal agencies, states, tribes and local communities - to address high priority environmental problems. USEPA is committed to promoting and supporting environmental justice with a goal of eliminating disproportionate environmental impacts on low-income and people of color. To the maximum extent possible, Region 5 will take environmental justice into account in carrying out its responsibilities and commitments under this EnPPA. The Agency is also committed to people having access to good data for informed decision-making, both inside and outside the Agency.

Specific compliance and enforcement activities to be accomplished during the term of this EnPPA are included in the media-specific appendices. However, Region 5 and WDNR believe it is appropriate to highlight the federal role in compliance and enforcement in this EnPPA. Although WDNR is authorized to implement many of the federal environmental programs, both agencies agree that there is an ongoing federal role in environmental protection. Under this EnPPA, Region 5 and WDNR retain their respective authorities and responsibilities to conduct enforcement and compliance assistance activities.

Region 5 will continue to maintain a federal enforcement and compliance presence in Wisconsin and Region 5 in order to support State enforcement and compliance activities and to serve as an incentive to compliance.

Both federal and state enforcement activities serve to ensure that regulated entities which violate environmental requirements do not gain a competitive advantage over those expending the resources to comply with environmental laws. Region 5 will focus on national and regional priorities including, but not limited to, multi-media inspections, national companies with multi-state non-compliance, selected priority sectors, and prosecution of criminal violations. Region 5 will also assist WDNR in conducting inspections, enforcement actions and in providing compliance and technical assistance to the State and its regulated entities. Region 5 will continue to take enforcement actions, where appropriate, to ensure implementation of federal programs, and will coordinate with and inform WDNR when such actions are being considered. Specific federal enforcement and compliance assistance responsibilities are outlined in the existing USEPA guidance documents.

While individual media program activities will be coordinated on a program-specific basis, multi-media activities will be coordinated through Region 5's Office of Enforcement and Compliance Assurance and WDNR's Office of Environmental Enforcement.

C. WDNR Roles and Responsibilities

WDNR is responsible for implementing State and State-authorized, approved or delegated federal programs that protect and enhance Wisconsin's natural resources and for coordinating the many State administered programs that protect the environment and provide a full range of outdoor recreational opportunities.

WDNR's environmental management responsibilities focus on improving and protecting the quality of Wisconsin's air, land, surface water and groundwater to support a diverse environment and protect fish and other aquatic life, wildlife and human health. WDNR, in cooperation with Region 5, prevents waste generation, pollution and spills; implements programs to manage waste and by-products and directs the cleanup at contaminated sites and groundwater. This is done through its wastewater management, water quality, safe drinking water, waste management, remediation and redevelopment and air quality activities.

In achieving its responsibilities to protect human health and the environment, WDNR works in partnership with citizens, communities, businesses, advocacy groups, other state agencies and the federal government. In addition to working in partnerships, the interrelationships among our air, land and water resources require an integrated approach to ecosystem management. In its organization WDNR has established geographic management units, based mostly on major river basins, which will be the focus of an interdisciplinary approach to environmental and natural resource management. Direct citizen participation in setting goals and priorities within these geographical management units is key to WDNR natural resource and environmental decision-making.

D. Principles of WDNR/EPA Compliance/Enforcement Relationship

WDNR) and USEPA share a commitment to protect Wisconsin's citizens and environment. Achieving and maintaining compliance with environmental requirements is a major part of this shared commitment. To guide the agencies in this shared responsibility, USEPA and WDNR agree on the following objectives as guiding principles:

- Manage for environmental results which support agency goals.
- Encourage and maintain compliance through the most effective application of the full spectrum of tools.
- Use our respective resources and abilities as efficiently as possible.
- Institute joint, advance planning for the most effective coordination.
- Enhance open and honest communication between our agencies.

Joint Planning, Priority-Setting, and Sharing of Responsibilities for Enforcement and Compliance Assurance

Our goal is to promote greater joint planning, priority-setting, and sharing of responsibilities between USEPA and WDNR in order to achieve more efficient deployment of resources, higher levels of coordination, and greater compliance with environmental laws. To accomplish this goal, USEPA and WDNR agree to:

- Use the EnPPA process to determine compliance and enforcement priorities and work sharing arrangements.

- Seek opportunities for sharing work and resources, as specified in the specific program work plans.
- Share expertise, as part of work sharing and coordinated planning, to address areas of concern or lack of expertise in specific sectors.
- Tailor compliance and enforcement priorities to address environmental needs in Wisconsin as well as USEPA regional and national priorities. WDNR will identify its needs to USEPA by specific program. USEPA will identify regional and national enforcement priorities to WDNR.
- Identify needs so that USEPA and WDNR can work alongside and support each other efforts.
- Recognize that state and national program directions may shift during the course of this EnPPA, and commit to discussing any needed shifts, the feasibility of implementation and possible disinvestment needed to accommodate any shifts.

Consultation on Enforcement and Compliance Assurance Activities

Ongoing communication and consultation between USEPA and WDNR is critical for a smooth and productive working relationship. Our goal is to improve communication and consultation between our agencies. To accomplish this goal WDNR and USEPA agree to:

- Improve communication and coordination to foster an atmosphere of early and meaningful communication between USEPA and WDNR for discussing priorities and providing notification between WDNR and USEPA of any upcoming significant inspection or enforcement action. To emphasize that compliance and enforcement activities and priorities be clearly communicated between USEPA and WDNR senior and mid-level management, the following responsibilities are identified here:
 1. Planning and priority-setting is accomplished at the respective section chief level during negotiation of this EnPPA and as needs arise, during the EnPPA.
 2. Routine communication is a program-to-program responsibility at the respective section chief level.
 3. Sensitive communication, defined as multi-media, high profile, conflict-based, that requires a policy interpretation or which is an emergency, is the responsibility of the respective USEPA Branch Chief to communicate with WDNR's Division of Enforcement and Science Administrator, or respective designee.
 4. USEPA will take enforcement actions in Wisconsin as necessary and appropriate to ensure implementation of federal programs and as a deterrent to non-compliance, in accordance with the communication and coordination activities outlined above. There may be emergency situations or criminal matters that require USEPA to take immediate action (e.g., seeking a temporary restraining order). In those circumstances, USEPA will consult with the State as quickly as possible following initiation of the action.
- Coordinate compliance and enforcement actions, on an ongoing basis, to ensure efficient and effective use of resources.
- Ensure effective communication between senior and mid-level management to ensure that USEPA and WDNR front-line staff receive consistent messages.
- Communicate, as regulatory agencies, the message that escalated enforcement is neither a positive or negative issue for the agencies and should be considered when non-compliance

occurs. There is a need for deterrence and the need to punish violators even when they achieve compliance or when there is criminal activity.

- Recognize that EPA has a responsibility to foster consistency among State enforcement programs.

V. SCOPE OF THE EnPPA

In addition to administering many programs, which are delegated by Region 5 or approved for implementation by the State, WDNR performs other activities that are financially supported through USEPA administered federal grants. These financial resources support WDNR's planning, implementing, evaluating and monitoring activities to achieve federal mandates and initiatives.

WDNR and Region 5 have agreed to redefine their operating relationship to coincide with the WDNR's biennial budget and work planning cycle and two federal fiscal years (27 month EnPPA). This EnPPA relies on the IWPS. WDNR will use the IWPS and replaces multiple state and federal grant/work planning systems. Resource commitments in the IWPS work plans include both Federal and State funded activities. The IWPS is able to incorporate needs and priorities agreed to between Region 5 and WDNR into each Agency's overall planning and budgeting systems.

While Region 5 and WDNR attempted to provide a description of each Agency's environmental protection activities for the period of this EnPPA, it should be noted that there may be additional activities warranting action that are not contemplated at this time. Region 5 and WDNR agree that coordination will occur, as appropriate, over the course of the EnPPA to avoid overlap and duplication of effort in addressing new issues and concerns as they arise. Furthermore, this EnPPA does not necessarily encompass every agreement between Region 5 and WDNR and that some other agreements and relationship will be described elsewhere. Also, other agreements are in place between other State agencies and Region 5 and are thus not included in this EnPPA. In any event, this EnPPA does not replace or supersede any statutes, regulations, or delegation agreements entered into with the State or pursuant to the State program approval process.

A. National Programs included in this EnPPA

Following is a list of Region 5 administered federal grants covered by this EnPPA. For the following categorical grants, this EnPPA serves as the program work plan. Specific details of the program plans that the two Agencies will accomplish are outlined in this EnPPA.

Clean Air Act

Air Pollution Control (sections 103 and 105)

Clean Water Act

Water Pollution Control - surface water and ground water (section 106)

Nonpoint Source - State (section 319)

Water Quality Management Planning (section 604(B))

Outreach Operator Training (section 104(g))

Safe Drinking Water Act
Underground Injection Control (UIC)
Public Water System Supervision (PWSS)

Resource Conservation and Recovery Act
Hazardous Waste Management Program (HWMP)
Leaking Underground Storage Tanks Administration, Enforcement, and Specific Sites

B. National Programs with Project Specific Requirements

During the term of the EnPPA, there may be grants or programs authorized by Congress to be implemented by Region 5 and WDNR. Appropriate amendments to the EnPPA to address these and other activities will be completed in conformance with the Amending the EnPPA subsection.

Region 5 and WDNR cooperate on a variety of project specific activities. This EnPPA does not include the project specific workplans for these activities but rather an overall framework for the relationship between Region 5 and WDNR for the specific programs. Following is a list of such Federal grants to WDNR covered by the EnPPA.

Pollution Prevention Act
Pollution Prevention (P2) Grant Program

Comprehensive Environmental Response Compensation and Liability Act (Site Assessment - Superfund Core - Superfund Specific Site Support Activities)

Clean Water Act
Great Lakes Projects
Research and Demonstration Projects [Section 104(b)(3)]
Clean Lakes Projects (sections 314 and 319 / as appropriate)
Coastal Environmental Management (CEM)

Water Quality Planning Grants to Local Planning Agencies [Section 604(b)]

Title VI, State Revolving Fund

C. Reporting Commitment

This EnPPA contains the reporting commitment established between Region 5 and WDNR managers who implement programs. WDNR's commitment to support national data bases, report information identified in National Core Performance Measure requirements and meet other Region 5 information needs are identified in the program charts in Section VIII. Reporting will cover all grant-eligible activities. This reporting will be discussed in the annual Self Assessment prepared by Region 5 and WDNR and is further described in Section VI, unless a different time frame or specific program reporting process has been established.

Nothing in this EnPPA prevents the Agencies from determining that additional ways to streamline or modify reporting are appropriate. The Agencies will have the flexibility to amend reporting activities through negotiated amendments to this EnPPA.

D. Performance Measures Commitment

Performance measures are quantitative and qualitative references used to determine progress toward our goals. Balanced reporting and environmental indicators complemented by other program performance activity measures will measure fulfillment of Region 5 and WDNR commitments under the EnPPA and provide data to analyze the effectiveness of different approaches to environmental protection. Basic program performance and fiscal responsibilities will be monitored as required and as spelled out in this EnPPA. A fundamental goal is to shift the primary focus of the Region 5 and WDNR dialogue away from activity measurement and to instead identify environmental priorities and appropriate actions to address those priorities, as well as measure environmental results achieved. Both Agencies are committed to working towards making this shift more pronounced in future EnPPAs.

This EnPPA contains two distinct categories of performance measures and they are outlined below. Reporting on these performance measures will appear in the Region 5 and WDNR Joint Priorities and partnering charts and Self Assessment Report prepared annually (see Section VI).

- Performance Measures - Established through dialogue between the Agency programs. These measures are used to evaluate whether WDNR and Region 5 are making environmental or program progress in the Agreement (see Section II. C.).
- National Core Performance Measures - A focused and limited set of measurable priorities identified by USEPA national program managers in consultation with the Environmental Council of States for inclusion in each state EnPPA (see Section VIII).

E. Needed Changes in the EnPPA

Region 5 and WDNR both recognize that most multi-year EnPPAs need change to make them current, relevant, and supportable. Since both Agencies also support continuous quality improvement (plan, do, check and adapt), it is important to designate a process to review the EnPPA and propose changes. These changes would then be implemented through the Amending the Agreement process (see Section V. G.).

In order to facilitate the formal review of the EnPPA, Region 5 and WDNR individual programs must have some type of dialog to identify problems and issues. This dialog needs to occur no later than the end of February of each year. This information needs to be shared with the EnPPA program contacts, in both Agencies, so that they can share the information and deal with those issues as well as multi-program issues at the routine program to program discussions.

At least one formal program review and discussion, between the two Agency EnPPA teams, needs to occur during March of each year. It is intended that the meeting focus on progress, new issues, and solutions and that by the close of the meeting, proposed changes would have been

developed in draft form. The EnPPA team leaders would then route the proposed EnPPA changes to Agency programs for comment. Proposed changes must be agreed to and approved by June 30.

This formal process is not intended to limit program to program discussion nor does it preclude additional changes agreed to by both Agencies. The overall philosophy of this EnPPA is to encourage dialog and partnering.

F. Conflict Resolution

Region 5 and WDNR realize that disagreements may occur, that differing perspectives are a normal part of the state/federal relationship, and that timely resolution of disagreements is in the public's and both Agencies' best interests. Accordingly, Region 5 and WDNR are fully committed to using a mutually agreeable dispute resolution process to handle the conflicts that may arise as we implement environmental programs. We also agree to view the conflict resolution process as an opportunity to improve our joint efforts rather than as an indication of failure to achieve goals. To that end, we endorse the following negotiation principles:

- Approach disagreement as a mutual problem requiring efforts from both Agencies to resolve.
- Approach the discussion as an opportunity to improve work activities and relationships in developing products through joint efforts.
- Empower staff; i.e. aim for resolution at the staff level, while keeping management informed.
- Consider all issues raised, but establish priorities to ensure that significant issues receive attention first.
- Observe reasonable time frames, elevate disputes as quickly as practicable; in any event the negotiation process should not exceed 90 days for formal conflict / non-emergency situations.

In keeping with these principles, both Agencies agree to attempt to resolve conflicts at the lowest possible staff level when disputes occur between WDNR and Region 5. This is balanced with a recognition that elevation is encouraged and appropriate when timely resolution is not forthcoming.

• Informal Conflict Resolution

Conflict can develop at all levels, from disagreements over wording in a report to significant differences over implementing federal policy. Region 5 and WDNR will strive to implement the following principles to resolve conflicts as they arise:

- Encourage staff to identify issues that they can resolve immediately; recognize and identify those issues that are caused by a larger system and need broader input to resolve.
- Diagnose the underlying cause of the problem or conflict and involve those who can affect the outcome.
- Promptly disclose underlying assumptions, frames of reference and other driving forces.
- Clearly differentiate positions and check understanding of content and process with all appropriate or affected parties to assure acceptance by all stakeholders.
- Document discussions and decisions to minimize future misunderstandings,

-Keep Region 5 and WDNR EnPPA program and team contacts informed as to the resolution.

-If a dispute cannot be resolved at the staff level, with proper input from involved managers and participants, the dispute is elevated to the formal dispute process.

- **Formal Dispute Resolution**

The formal dispute resolution process is invoked when the informal process does not result in a resolution acceptable to all parties or if it fails to resolve all issues associated with a dispute. To elevate an issue for formal dispute resolution the following procedure should be followed:

-Involved staff must clearly define the dispute including background information, options for resolving and pros and cons thereof.

-Involved staff must define the dispute resolution process including the time frame that will be used to continue to elevate a dispute until it is resolved.

If a dispute can't be resolved at the staff level, the dispute can be elevated to the first line supervisory level. Either party can elevate the issue and other party will respect the decision and continue to work to resolve this issue. The supervisory referral and resolution process will continue to the level of the Region 5 Regional Administrator and WDNR Secretary, if necessary. If an agreement still cannot be reached, Region 5 Regional Administrator and WDNR Secretary can agree to jointly refer the dispute to the appropriate Assistant Administrator at USEPA Headquarters for resolution. If there is no joint agreement by the Regional Administrator and WDNR Secretary to elevate the dispute, the conflict resolution process terminates. Another alternative is for WDNR to initiate the formal grant dispute procedures outlined in the Code of Federal Regulations 40 CFR 31.70. Both Agencies agree that no legal rights are given up in agreeing to this dispute resolution process.

The aim is to resolve disputes as quickly as possible and, if unresolved at the end of three weeks, the issue should be elevated to the next level in each organization. Escalation should be to comparable levels in each organization and accompanied by an issue paper. The issue paper should be updated at each level, in each Agency, and include the information above, and document the actions and decisions that were and were not taken. A conference call and/or other consultation arrangement are strongly encouraged should it become necessary to elevate the dispute to the next management level.

Shortly after completing a formal dispute resolution process, both agencies should briefly document which elements or processes in the negotiation were most and those least effective in reaching agreement. These observations should be shared between the Agencies. This documentation will serve as a foundation for refinements and improvements in the conflict resolution process.

G. Amending the EnPPA

Region 5 and WDNR have complementary responsibilities to protect and enhance Wisconsin's environment. In order to accomplish these responsibilities our agencies must efficiently use the institutional resources we have available. Both Agencies recognize that in order to help manage

work efforts, we must agree on how and when applicable State and Federal guidance will be handled. We agree that federal program guidance must be received on a timely basis in order to be considered in WDNR work planning. We also agree that the WDNR must share its work planning guidance with Region 5 in a timely manner. For purposes of this EnPPA, only the USEPA National Program Guidance and other Region 5 guidance received by WDNR by May 1 will be considered in WDNR work planning for the first year of EnPPA. It is intended that guidance received after May 1st and prior to the next May 1st will be considered as part of the Agreement adjustment process for the last 15 months of the agreement. This doesn't preclude adjustment to protect the public health and the environment where both Agencies agree.

It is recognized that important needs will arise during this EnPPA cycle that must be addressed. Refinements to portions of the EnPPA, such as conflict resolution, self-assessment and Joint Priority implementation, should be initiated and implemented as needed at any time. Also, amendments to grants or carrying out EnPPA implementation activities which do not require adjustments, should also proceed with documentation but without a formal amendment.

An appropriate time to formally adjust this EnPPA is when the self-assessment is completed or at the mid-course evaluation phase. Any adjustments will need to be identified and agreed to by June 30th for formal incorporation into the EnPPA beginning July 1. It is recognized that USEPA National Guidance is often not available by May 1st of each year; WDNR will make reasonable attempts to accommodate this whenever possible during the second year of the EnPPA. There are two types of modification, minor and significant.

Minor modifications are Region 5 to WDNR program adjustments, only impact a single program, and both programs agree to the change. These changes can occur at any time and need to follow this process:

1. Document the problem and revise the activities format or appropriate section in the EnPPA.
2. Provide the revision documentation to the EnPPA Agency sponsors and team leaders.
3. EnPPA team leaders will see that the change is added to the master copies of the EnPPA that are maintained by both Agencies.

Significant modifications are those modifications that impact more than one Region 5 or WDNR program and need to have the EnPPA formally modified. This formal modification process is as follows:

1. Region 5 and WDNR programs develop a short discussion paper to identify the need for the modification, impacts on the programs and present a proposed modification. The proposal will be routed to the EnPPA Agency sponsors and team leaders, along with a memo requesting the formal modification.
2. At WDNR, the proposed modification will be shared with the appropriate Bureau Directors and approval requested.
3. At Region 5, the proposed modification will be shared with the appropriate Division Director and approval requested.

4. After the modification has been approved by the appropriate WDNR Bureau Director and Region 5 Division Director, the EnPPA co-sponsors will develop and jointly sign a letter approving the modifications.

5. The formal modification approval letter will then be sent to the programs and a copy sent to the both Agency EnPPA teams. The both Agency EnPPA team leaders will add the modification to the master EnPPA that are maintained by both Agencies.

H. EnPPA Cycle

During the time covered by this EnPPA, Region 5 and WDNR will be implementing this EnPPA as well as planning for the next EnPPA. In order to accommodate these dual schedules, a 27-month cycle will be followed. This cycle parallels the WDNR's IWPS which is based on the "Plan, Do, Check, and Adapt" philosophy of continuous quality improvement. The following are the key activities. The specific dates and details are located in Appendix B:

- Implementating
- Assisting with the continued transition to the NEPPS process
- Monitoring the SAR process and making needed changes
- Evaluating
- Region 5 and WDNR program to program dialog and EnPPA team meetings
- Annual SAR process
- Adapting
- Documenting all minor and significant amendments. Involving internal and external partners, as much as possible, in recommending JPs and setting future EnPPAs
- Planning
- WDNR Division workplanning guidance
- Region 5 input
- Using applicable State and Federal guidance
- Identifying JPs
- Identifying available State and Federal resources
- Encouraging Public participation as defined in WDNR's IWPS

VI. SELF ASSESSMENT

A. Self Assessment Report (SAR)

A significant element of the EnPPA will be the SAR containing WDNR and Region 5 self assessments. The SAR goal is to fulfill all WDNR reporting requirements for USEPA grants with the exception of some fiscal reporting. In an effort to improve the readability and understanding of the EnPPA and SAR, a standardized format has been used (see JPs and Program Sections). This standardized format combines a number of pieces of information on how the work efforts fit into WDNR priorities, actual work efforts by both agencies, funding, and finally the Region 5 and WDNR self assessments. Thus, it is the intent to have the EnPPA shift into a combined final EnPPA/SAR for each year of the EnPPA. (July 1st to June 30th)

B. WDNR Self Assessment Report

The SAR will serve as a progress report on all aspects of the environmental management programs (Air, Water, Remediation & Redevelopment, etc.), including JPs and programmatic issues covered in the EnPPA.

The WDNR SAR will:

- Measure how well WDNR is moving toward and achieving its long term goals and objectives for the Agency.
- Act as a tool to make mid-course correction during the biennial work plan process
- Provide direction for future WDNR biennial work plan processes and provide input for future EnPPAs.
- Report to WDNR management for the reporting period.
- Report to Region 5 on performance for the reporting period.
- Supplement WDNR's "State of the Environment" report. While not an EnPPA requirement, this report will provide useful information to the people of Wisconsin.

The WDNR SAR will include:

- An over-arching program assessment of activities conducted by WDNR and program direction.
- A programmatic self-assessment prepared by each program and sub-program that receives funding for environmental protection work or has federal programmatic responsibilities. They will be incorporated into and follow the format identified in the EnPPA for the overall SAR. These programmatic self-assessments will evaluate individual program and sub-program progress in meeting objectives as determined by specific performance measures and program core measures (see Sections II. on JPs and VIII. on Program efforts). Modifications to programmatic work plans must be identified in the program evaluations.

The reporting period will be from July 1st to June 30th of each year.

The SAR will be prepared annually by WDNR and sent to Region 5 for review, comment, and additions (JPs and program activities). In doing so, Region 5 will maintain an independent level of oversight. To maximize the utility of these SARs to the WDNR's IWPS and EnPPA adjustments, the annual SAR must be timely.

C. Reporting on Joint Priorities

Region 5 and WDNR will contribute as partners to the development of the JP assessment of the SAR. Both Agencies are responsible for completing independent assessments on the productivity of their work efforts on these JP activities. The schedule and timing of the JP SAR development is in Section VI. E.

D. Region 5 Self Assessment Report

Region 5 has a responsibility to monitor its efforts in support of WDNR and in support of achieving USEPA's national environmental goals described in its draft strategic plan. Region 5

will assess its progress in different ways. To measure support for WDNR specifically under this EnPPA, Region 5 will provide information in two ways:

- Input to WDNR's annual Self-Assessments about Region 5 work accomplished on the WDNR and Region 5 JPs and other partnering efforts. Region 5 will prepare information on the progress made regarding commitments, measures described under the JPs and overview in section VII. The information will be provided to WDNR for incorporation into WDNR's development of the annual SARs and overview. The schedule and timing of the input into the SAR development is listed below in Section VI. E.
- An assessment of Region 5's progress on support activities described in the EnPPA. For Region 5's Self-Assessment, Region 5 programs will provide an evaluation of their own efforts to support WDNR programs. This evaluation will be based on Region 5 activities contributed to the EnPPA's media-specific program plans or other areas and could include training offered by Region 5, meetings or any other activities that Region 5 programs agreed to undertake for WDNR. Region 5 will provide this information along with its annual evaluation of WDNR's performance.

The regional Self-Assessment that Region 5 will provide to WDNR needs to fit into a larger picture. Region 5 describes its overall plans and measures in annual program Memoranda of Agreements with USEPA Headquarters, as well as in Region 5's own Agenda for Action which describes Region 5 priorities. Region 5 will evaluate its work in its annual program reports to Headquarters. The schedules and extent of these reports differ among programs and occur in conjunction with the evaluation for each federal fiscal year.

E. SAR Schedule

An annual draft SAR will be prepared by WDNR for July 1st to June 30th of each year. WDNR will start the process of developing a draft SAR by July 1 of each year. The draft WDNR SAR will be sent to Region 5 by August 15th. Region 5 will provide comments and additions (JPs, activities and overview) on the draft SAR to WDNR by September 15th. WDNR will finalize and distribute the SAR by October 15th of each year.

VII. OVERVIEW OF SAR FOR REGION 5 AND WDNR

~~The purpose of this section, as part of the SAR process, is to provide an opportunity for the individual programs to share an overview to their program's efforts, challenges, and direction. This section will be completed annually during the SAR process by individual agency programs.~~

- ~~• July 1, 2003 to June 30, 2004
-WDNR
-Region 5~~
- ~~• July 1, 2004 to June 30, 2005
-WDNR
-Region 5~~

VIII. PROGRAM AGREEMENTS

The purpose of the following charts is to document, tabulate, and eventually to evaluate Region 5 and WDNR work efforts. This approach is intended to meet: USEPA grant commitments (efforts and reporting), USEPA and ECOS Core Performance Measures (national reporting), USEPA and Region 5 initiatives, the ties between EPA and WDNR strategies and work activities, actual Region 5 and WDNR program to program partnering efforts. The intention is to ease the annual evaluation process for Region 5 and WDNR.

Following are column definitions:

Region 5 and WDNR Activities – Identifies program activities, commitments and partnering efforts.

Funding - Shows the source of the funds used to accomplish WDNR activities.

Performance Measures or Outcomes- These measurements are intended to address two areas. First...It's to identify National Core Performance Measures, GPRA, and reporting requirements and use this EnPPA to facilitate Region 5 and WDNR programs to move from total "bean counting" to some jointly agreed upon environmental measurements that both programs can use to evaluate environmental progress and effectiveness.

Region 5 and WDNR Self Evaluation – Evaluates the identified program activities, commitments and partnering efforts which will occur annually (July 1st through June 30th time period) during the SAR.

A. EnPPA Teams

The overall goal of the Region 5 and WDNR EnPPA Team is to make the EnPPA “Real” over time. In order to accomplish this core goal, there are a number of guiding principles:

- Maintain and expand the program and Agency relationships.
- Facilitate Region 5 and WDNR program to program discussions, planning and priority setting that focus on the Section Chief and staff levels.
- Build a structure that assures that the core partnership will develop and that critical qualitative needs are met.
- Facilitate doable and real commitment to partnering efforts.
- Design Continuous Quality Improvement (plan, do, check, and adapt) into the process.

Program Leads Region 5 Craig Mankowski
 WDNR John Melby

WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation (FY'04)
SURVEY			
Develop (revise) a survey for Region 5 and WDNR programs that assesses the 2003-2005 EnPPA process. Distribute to the Team for comment by November 1, 2003, and distribute the survey to programs by November 15, 2003.	N/A	Improved management and staff participation and buy-in. Measurement / Measured through surveys.	Survey was not completed and distributed, and due to the excessively long lag time in developing the PPA and signature.
Summarize survey results by December 1, 2003.	N/A	Measurement / Completed on time.	N/A
Meet to review EnPPA process survey results and propose future direction by January 31, 2004.	N/A	Measurement / Develop a document that assesses buy-in, needed improvements, identifies perceived value of EnPPA and sets future priorities.	N/A
Share results of discussions with WDNR and Region 5 programs by February 15, 2004.	N/A	Measurement / Completed on time.	N/A

WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation (FY'04)
REVISIONS			
Team program leads will survey their programs for changes in the 2003-2005 EnPPA by January 15, 2004.	N/A	Measurement / Completed on time and identifying any needed changes.	Programs were surveyed and only the Water Programs need to develop changes for FY'05.
Teams will meet or have a conference call to develop changes to the 2003-2005 EnPPA by February 15, 2004. Program Leads will coordinate any changes prior to the meeting.	N/A	Measurement / Discussion of changes and making program supported changes to the EnPPA, if needed .	Due to WI budget issues, actual revisions (Water Programs) were not developed and consensus reached until September 2004.
PROGRAM MEETINGS			
Program Leads will help facilitate semiannual Program to Program meetings (one face to face and one conference call per year) to discuss program direction and information sharing on budgets, guidance, problems, shared resources and relationship building.	N/A	The meetings are intended as a forum to share information and to jointly develop approaches, solve problems and set a tone of real partnering. Measurement / Were meetings and conference call held.	All programs had at least one meeting (conference call or face to face) to share information and discuss issues.
SAR			
WDNR programs will prepare a Draft SAR and share with Region 5 programs by August 15, 2004, and 2005.	N/A	Measurement / Completed on time and shared with Region 5	Most WDNR programs met the August 15 th deadline.
Region 5 will add their SAR and review, comment and provide feedback on WDNR's SAR by September 15, 2004, and 2005.	N/A	Measurement / Completed on time and shared with WDNR.	Region 5 programs were timely.
WDNR and Region 5 programs come to consensus on the final SAR by October 15 of 2004, and 2005.	N/A	Measurement / Completed on time and consensus acquired.	Completed on time (with the exception of Water).

WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation (FY'04)
WDNR posts the final SAR on the WDNR internet site and shares it with Region 5 by November 15, 2004 and 2005.	N/A	Measurement / Final SAR posted.	Delayed until after the R-5 and WDNR kickoff / FY'04 SAR meeting in Madison (2/17/05).
NEXT EnPPA			
WDNR and Region 5 Teams will meet in January 2005 to kick-off the 2005-2007 EnPPA negotiations.	N/A	Measurement / Meeting held.	Delayed until February 17, 2005.

B. Air Management

Protecting the Air

Air quality levels that protect people, animals and plants are attained and maintained. Air Management staff will maintain appropriate technical expertise to allow the program to proactively address emerging air quality issues in a holistic manner. The program staff need to work with national, regional, state and private sector partners to actively address the air resources and the pollution problems we share.

Develop and advocate for national policies and programs which provide for early emission reduction credits for greenhouse gases and mercury, and other initiatives to reduce these emissions in Wisconsin, regionally and nationally.

Caroline Garber, Environmental Analysis & Outreach Section Chief - 608/264-9218

WDNR Activity Codes

AMGE-05	Environmental Studies
AMAG	Forest Health Monitoring
AMGE-19	General Policy Development
AMGE-10	Climate Change Policy Development & Implementation
AMGE-14	Great Lakes Atmospheric Deposition
AMZZ-10	Public Information & Involvement
AMGE-17	Mercury Initiative
AMD L	Devil's Lake TMDL Monitoring

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1	Region 5 Provide information on these topics from other states and federal agencies.	105/State		R5 has provided toxics information to the state via a quarterly air toxics call, PBT updates via the GLBTS workgroups, and updates on the Devil's Lake Pilot.
2	<p>WDNR Work with USEPA Region 5 on Atmospheric Deposition Research and Policy Activities including:</p> <p>Participate in the Review Panel for Great Lakes Geographic Initiative funds.</p> <p>Participate in the development and compilation of the Great Lakes Regional Air Toxics Emission Inventory.</p> <p>Region 5 Region 5 Atmospheric Deposition Research and Policy Activities:</p> <p>Distribute EPA Section 105 Great Lakes Geographic Initiative Funds.</p> <p>Participate in the development of the Great Lakes Regional Air Toxics Emission Inventory.</p> <p>Continue to monitor for air toxics in the Great Lakes region, through efforts such as the Integrated Atmospheric Deposition Network.</p>	105/State		<p>Wisconsin is a member of the GLAD project management team. From September 2003 to April 2004, the PMT conducted the review of the Great Lakes Atmospheric Deposition Initiative, developed the RFP for project assessing atmospheric deposition to the Great Lakes, and reviewed project proposal for funding. Seven projects were funded.</p> <p>Wisconsin completed their portion of the Great Lakes emissions inventory for the year 2001, and continues to chair the technical steering committee.</p> <p>R5 provided the 105 Great Lakes Geographic Initiative Funds to the Great Lakes Commission, in order to sponsor the Regional Air Toxics Emissions Inventory and the GLAD research efforts.</p> <p>EPA continues operation of monitoring networks, including IADN, MDN, and NDAMNs for PBT chemicals.</p>
3	<p>WDNR Administer the Wisconsin Registry.</p> <p>Region 5 Region 5 will link WDNR effort to national</p>	105		Registry was launched on June 30, 2004, with 7 registrants.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	initiatives. Region 5 will assist in quantification requirements for Wisconsin's registry of voluntary reductions of emissions of green house gases and other air pollutants.			
4	<p>WDNR Until January 2004, Continue participation in regional and national mercury reduction efforts, including the Binational Toxics Strategy and the Great Lakes State-Federal mercury group.</p> <p>Continue work on rule development for a mercury reduction program</p> <p>Region 5 Region 5 continues to provide opportunities for information sharing about sources of mercury and options for reducing mercury through the Binational Toxics Strategy mercury workgroup and the Great Lakes State-Federal mercury group. Assist WDNR as needed in mercury reduction program and coordination with development of utility regulation.</p>	105		<p>WDNR –Wisconsin continues to participate in regional and national mercury reduction efforts.</p> <p>The mercury air emissions reduction rule has been approved and will go into effect the fall of 2004.</p> <p>R5 has continued to provide information and technical assistance through these forums. In addition, EPA has collected public comments on the development of regulations to control mercury emissions from utilities.</p>
5	<p>WDNR Continue to participate in public information and involvement activities at the state, regional and national levels through workshops, conferences, newsletters, presentations and other methods.</p> <p>Region 5 Continue to provide public informational materials, to participate in workshops and conferences, to provide grant opportunities for public information and involvement activities.</p>	105		<p>Wisconsin continues to participate in public informational activities at all levels and continues to make extensive use of stakeholder advisory groups in policy development. We are using the web more and more as a means of communicating, rather than newsletters.</p> <p>R5 has been providing funding for air toxics projects, including outreach. We have developed a brochure on voluntary air toxics programs. In addition, R5 is currently working with the national</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
				program to develop a web-based outreach effort on voluntary reductions/quantifications for air toxics.

Develop a data analysis plan for determining total maximum daily loads for mercury deposition to water bodies.

Caroline Garber, Environmental Analysis & Outreach Section Chief - 608/264-9218

WDNR Activity Codes

AMCI Lake Superior Basin Mercury Cycling Study
 AMGE-14 Great Lakes Atmospheric deposition
 AMGE-17 Mercury Initiative
 AMDL Devil's Lake TMDL Monitoring

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
6	<p>WDNR</p> <p>Continue to cooperate with USEPA on the Devil's Lake TMDL pilot.</p> <p>Evaluate applicability of results to other Wisconsin waters.</p> <p>Work with DNR Division of Water Management to develop TMDL rules for impaired waterbodies, as necessary.</p> <p>Region 5</p> <p>Continue to work with WDNR and USEPA Headquarters on the development of the Devil's lake TMDL pilot.</p> <p>Evaluate applicability of results to other Wisconsin waters.</p> <p>Support TMDL effort through technical assistance.</p>	105		<p>WDNR (air and water programs) provided input for Devil's Lake TMDL pilot. Project was peer reviewed and now waiting for final write-up of results.</p> <p>EPA HQ is currently doing additional runs of the atmospheric modeling in response to the outside peer review comments. R5 will assist in reviewing the final results, expected in Winter 2005.</p>

Implement the PAMS data analysis plan in conjunction with Region 5 staff and the other Lake Michigan States.

Larry Bruss, Regional Pollutants & Mobile Sources Section Chief - 608 / 267-7543

WDNR Activity Codes

AMGE-04 Enhanced Ozone Monitoring

Reporting Requirements

PAMs Data (quarterly) - 40 CFR 58.4.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
7	WDNR WDNR will work with LADCO to conduct data analyses on PAMS and other ozone related air quality data. These analyses may be used to determine trends in ozone and precursors, to evaluate the validity of emissions data, to assess the effectiveness of control programs, or to refine the conceptual model of ozone formation and transport in the Lake Michigan region.	105/State	Biennial Data Analysis Report July 1, 2005	July 30, 2004 - LADCO and WDNR continue to produce various data analyses for PM2.5 and 8-hour ozone including running observation driven models.

Assess local air quality problems establish priorities and develop effective solutions through partnerships.

Eileen Pierce, Monitoring Section Chief - 608/266-1058

WDNR Activity Codes

AMGE-01 Pollutant Episode Forecasting

AMGE-02 Air Monitoring for Criteria Pollutants

AMGE-03 Hazardous Air Pollutant Monitoring

AMTV-03 Air Monitoring Operations and Quality Assurance

AMAB DNR-Indian Tribes Cooperative Air Monitoring

AMCN NADP - National Trends Network (NTN) Deposition Monitoring

AMCL NADP – Mercury Deposition Network (MDN) Deposition Monitoring

AMCD Visibility Monitoring

AMCG Air Monitoring of Dane County Landfill

AMCK UV-B Monitoring

AMGE-19 General Policy Development

AMGE-06 Ozone Control & SIP Development

AMTV-04	Hazardous Air Pollutant Control
AMDA	RAPIDS
AMGE-14	Great Lakes Atmospheric Deposition
AMDE-02	Stratospheric Ozone Protection – Policy
AMDE-03	Stratospheric Ozone Protection – Registration
AMEA	Ozone Control & SIP Development-Mobile Sources
AMTR	Tribal Environmental Issues
AMCM	Contract management Oversight
AMPM	Fine Particulate Monitoring
AMDL	Devil’s Lake TMDL Monitoring
AMBW	Biowatch Monitoring

Reporting Requirements

System Modification Report (network review) - 40 CFR 58.25

Annual SLAMS Summary Report - 40 CFR 58.26

NAMS/SLAMS AIRS Data (quarterly) - 40 CFR 58.35 PAMs Data (quarterly) - 40 CFR 58.45

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
8	Establish, operate and maintain NAMS, SLAMS, and SPECIAL PURPOSE monitoring networks for criteria pollutants to identify local air quality problems.	105/State	FY 2000 National Core Performance Measures	WDNR – Done. The network is operating in accordance with the regional monitoring strategy.
9	Submit quality assured air-monitoring data to AIRS in accordance with USEPA deadlines.	105/State	Trends in ambient air quality for the criteria pollutants. Emission reductions since 1990 for the criteria pollutants, as discussed in each annual edition of	WDNR – Done. Data is submitted to EPA in accordance with EPA requirements. Region 5 suggested various AIRS system improvements to OAQPS to ease data entry. The Region supplies data completeness reports highlighting specific monitors of concern. The next report will be sent in early October 2004.
10	Forecast air pollution episodes and keep the public Informed on Ozone Advisory Days.	105/State	EPA's <i>National Air Pollution Emission Trends Report</i> . Establish PSD database for prevention of future air quality deterioration (Indian Tribes)	WDNR – Done. Ozone action days and health advisories are issued as needed. Given the weather conditions and ozone concentrations, we have not yet called any ozone action days this summer. The Region has provided assistance as necessary regarding submitting real time monitoring data to AIRNOW for public access.
11	Cooperate with Indian Tribes and industrial sources; advise them and assist them with ambient air monitoring needs including siting, QA, and submittal of data to AIRS. Specifically continue to provide assistance to the Bad River Tribe with PM2.5 and meteorological monitoring efforts and the Forest County Potawatomi Tribe with air monitoring network planning activities.	105/State	-Timely, quality –assure, submittal of criteria and toxics monitoring data to AQS database. Efforts will be made to submit end of ozone season data to AQS within 45 days of end of ozone season for final ozone data submittal.	WDNR – Done. WDNR continues to provide a significant level of support to the Bad River and Potawatomi monitoring programs. Both tribal monitoring sites are up and running, data is posted to the web and to EPA.
12	Monitor for hazardous air pollutants and atmospheric deposition of sulfates, strong acids, mercury, other metals and air toxics including establishment, operation and maintenance of a National Air Toxics Trends(NATT) station near Mayville, WI to measure rural background toxics. Includes performing periodic updates to QAPP for toxics air monitoring program.	105/State	-Maximization of resources to enhance performance and capabilities to meet changing monitoring needs.	WDNR – Done. Toxic air pollutant monitoring began in November 2003 at the Mayville site. Region 5 provides assistance as needed.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
13	<p>Review all monitoring networks from a regional perspective, annually and submit network changes to USEPA for approval.</p> <p>Critical assessment of ongoing needs for individual monitoring sites during network review process.</p>	105/State		<p>WDNR – Done. We continue to participate in annual network review and regional monitoring strategy.</p> <p>The Region has reviewed and provided comment or approval to the Wisconsin air monitoring network in accordance with 40 CFR Part 58 and the Regional Monitoring Strategy.</p>

Develop and implement programs to assess and reduce air toxic emissions.

Caroline Garber, Environmental Analysis & Outreach Section Chief - 608/264-9218

WDNR Activity Codes

AMTV-02 Emission Inventory
 AMGE-03 Hazardous Air Pollutant Monitoring
 AMTV-04 Hazardous Air Pollutant Control
 AMGE-14 Great Lakes Atmospheric Deposition
 AMGE-15 Risk Assessment / Health Studies
 AMGL Great Lakes Inventory

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
14	<p>WDNR Review and analyze National Air Toxics Assessment (NATA) data, as available.</p> <p>Region 5 Provide timely access to and assistance in the review of the NATA data.</p>	105/State		<p>Not applicable this year</p> <p>EPA is developing the 1999 NATA results, which will be released during the next EnPPA cycle.</p>
15	<p>WDNR Review and comment on national air toxics monitoring plan, as appropriate.</p>	105/State		<p>WDNR staff have provided comments when requested. Staff also attended the October 2003 NATTS workshop in Las Vegas and the June 2004 NATTS data analysis meeting in Chicago.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	Region 5 Provide opportunity for comment on national toxics monitoring plan, as appropriate.			Region 5 has kept WDNR updated on the national program and solicited comment on the monitoring plan and data analysis projects.
16	WDNR Region 5 Provide timely notice of grant and other opportunities.	105/State		R5 has provided grant information as available and will continue to do so in the coming year. Region 5 made funds available to continue operation of Madison air toxics site.
17	WDNR Prepare 2002 Inventory of 188 HAPs for point sources and submit to EPA National Emissions Inventory (NEI) in NEI format by March 1, 2004. QA 2002 draft NEI and submit changes between October 2004 and February 2005. Assist in supplying air toxics emissions inventory information necessary for atmospheric modeling. (WDNR already collects stack parameters and stack specific air toxics emission data. WDNR will continue work to improve the quality of this data.) Region 5 Provide necessary assistance; conduct QA/QC. Assist WDNR with technical assistance and quality assurance of RAPIDS. Host RAPIDS meetings and coordinate information between states.	105/State		Data for point, and area sources were submitted on June 1, 2004. Corrections to point source submittal were provided to USEPA on July 20, 2004. R5 has participated in the inventory development process through the Great Lakes Regional Inventory Project. R5 has provided technical assistance and coordinated meetings for the RAPIDS Steering Committee.
18	WDNR Promulgate and implement new state air toxics	State	FY 2000 National Core Performance Measures	Revised NR 445 became effective July 1, 2004.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	<p>regulations.</p> <p>Region 5 Provide federal policy and technical assistance at public meetings.</p>		<p>Trends in emissions of toxic air pollutants as reflected in EPA's National Toxics Inventory.</p> <p>Reductions in toxic emissions from 1990 levels.</p> <p>State collection and compilation of ambient and emission source data for toxics to better understand the nature and extent of the air toxics problem.</p>	
19	<p>WDNR Update MACT delegation request annually.</p> <p>Region 5 Approve delegation request in writing and in Federal Register as needed.</p>	105		WDNR - Not done.
20	<p>WDNR Provide comments and suggestions to the region on the S/L/T program for air toxics.</p> <p>Region 5 Coordinate OAR and WDNR efforts related to the S/L/T program for air toxics.</p>	105		<p>Done - WDNR participates on regional Air Toxics conference calls.</p> <p>R5 has and will continue to coordinate between OAQPS and the WDNR on the S/L/T program.</p> <p>WDNR provides significant effort to improve laboratory inter-comparability of air toxics analyses in the Region.</p> <p>Region 5 coordinates air toxics sampling and laboratory method improvement efforts.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
21	<p>WDNR Assist voluntary toxics reduction effort with the City of Milwaukee Health Department.</p> <p>Region 5 Provide voluntary project direction and technical assistance.</p>	105		<p>Project completed – outcome is the DNR CMAQ Grant to retrofit school buses in Southeast Wisconsin.</p> <p>R5 is assisting WDNR as needed in retrofitting school buses with CMAQ funding in Southeastern Wisconsin.</p>
22	<p>WDNR Continue work on an inventory refinement and local area risk assessment for a neighborhood in Milwaukee.</p> <p>Region 5 Provide funding and technical assistance.</p>	105		<p>Done—Have refined emissions inventory, geo-located emission sources, modeled area and point sources for benzene, acetaldehyde and perc emissions. Progress being made on modeling mobile source emissions.</p>

Eileen Pierce, Monitoring Section Chief - 608/266-1058

WDNR Activity Codes

AMPM Fine Particulate Air Monitoring
 AMGE-07 Particulate Matter Plan Development & Revision
 AMBW Biowatch Monitoring

Reporting Requirements

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
23	<p>WDNR Continue operation and maintenance of a fine particulate monitoring network consisting of the following components: 19 FRM PM2.5 monitoring stations 9 Continuous PM2.5 monitoring stations</p>	103/105	<p>Establish Attainment/Non-attainment designations.</p> <p>Reallocation of PM2.5 resources to perform</p>	<p>WDNR – Done. Sites operated as planned. Data review completed. This summer we added a second visibility and hazecam site in Milwaukee. By December 31, 2004 Wisconsin will add 2 additional FDMS continuous PM2.5 stations Somerset & Green Bay) to its fine particulate</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	<p>6 PM2.5 Manual Speciation monitoring stations 1 Continuous PM2.5 Speciation monitoring station 2 Visibility and Regional Hazecam monitoring station</p> <p>Perform review of 3 complete years of quality assured PM2.5 data in 2003 to determine compliance with NAAQS for PM2.5</p>		PM2.5 monitoring at other locations, upgrade existing continuous PM2.5 samplers with new hardware to enhance correlation of PM2.5 FRM and continuous measurements and to establish additional continuous PM2.5 stations.	<p>monitoring network.</p> <p>The Region has processed the PM2.5 data to determine design values for attainment determination of the National Ambient Air Quality Standards. USEPA provided additional funding from recertified grant money for continuous mass monitors and further analysis with Dr. Schouer's laboratory.</p>
24	<p>WDNR Improve operation of continuous PM2.5 monitors through retrofitting of upgrade hardware on existing continuous PM2.5 samplers (TEOMS) to enhance correlation of FRM and continuous PM2.5 measurements.</p> <p>Continue to coordinate operation of fine particulate (mass and speciation) monitors at Mayville and Perkinstown in conjunction with the nephelometer and web-based visual camera for the regional haze program.</p>	103/105	Reduction of FRM sampling frequency at collocated FRM/continuous PM2.5 monitoring sites following collection of sufficient data to assure acceptable correlation of FRM and continuous measurements. FRM frequency will be reduced when approval for reduction is granted by Region 5 USEPA.	<p>WDNR – Done.</p> <p>The Region supplies data completeness reports highlighting specific PM2.5 monitors of concern.</p>
25	<p>WDNR Continue to report fine particulate data to USEPA.</p>	103/105	FRM and continuous PM2.5 data will be submitted to AQS database meeting USEPA requirements for timely submittal.	
26	<p>WDNR Establish, operate and maintain 9 Biowatch monitoring stations in WI to detect the presence of pathogens in the ambient air.</p>	103	Submit Biowatch samples to analytical lab within 6 hours of collection for analysis. Submit required	<p>WDNR – Done.</p> <p>Region 5 Emergency Response will document Phase 1 sampling plans and provide Phase 1</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			documentation for samples.	sampling back-up should Wisconsin or Milwaukee Health Dept. request assistance.

All new and modified sources of air pollution are required to obtain air pollution control permits, prior to starting construction. To ensure new and expanding businesses receive the support they need from the Department, the Air Management Program has assigned the highest priority to issuing permits in a timely manner. While providing excellent customer service, air management staff must also provide environmental protection by conducting careful evaluation of each new source permit application to determine that the source will meet all appropriate state and federal laws and regulations.

Jeff Hanson, Permits & Stationary Source Modeling Section Chief - 608/266-6876

WDNR Activity Codes

AMNS-01 Construction Permit Review – Analysis
AMNS-02 Construction Permit Review – Modeling
AMNS-03 Construction Permit Review – EAs
AMNS-04 Indirect Source Permit Review
AMNS-05 Construction Permit Review – Verification
AMNS-06 Construction Permit Review - Questions
AMEP-01 Revisions to Permits
AMBE Contested Case Hearings
AMCT Nicolet Minerals
AMTR Tribal environmental Issues
AMZZ-07 Hazardous Air Pollutant Consistency Reviews

Reporting Requirements and Agreements

November 4, 1987, Delegation Agreement for the Federal Prevention of Significant Deterioration Program.

PSD Draft Permits - CAA 165(d)

PSD SIP Approval Effective June 28, 1999

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
27	WDNR Issue major source permits within statutory limitations and ensures each construction permit issued includes conditions for all applicable state	State	Number of permits issued vs. number of permit applications received.	WDNR: 88 days from complete application to permit decision. WDNR: restarting bimonthly calls Fall 2004.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	<p>and federal requirements and is processed according to state and federal laws and regulations. The construction permit program is funded by the program revenue it generates, separate and distinct from emissions fees.</p> <p>Region 5 Provide clarification on USEPA guidance and federal laws and regulations as requested.</p> <p>Work with WNDNR to develop alternative to hard copy submittal of permit documents to Region</p>		<p>Number of days on average between date of complete application and date of permit issuance.</p> <p>Consistency in permit requirements</p> <p>Bi-monthly conference calls between WDNR/Region 5 providing updates on PSD/NSR permit applications</p>	
28	<p>WDNR Evaluate and propose and SIP revisions to PSD/NSR program based upon December 31, 2002 Federal PSD/NSR changes</p> <p>Region 5 Work with WDNR in preparing PSD/NSR program revisions and provide guidance on program equivalency</p>	State	<p>Submittal of proposed SIP revision by January 2006</p>	WDNR: Adopt Rules in Fall 2004 and submit for SIP revision
29	<p>WDNR Work with EPA to address any outstanding issues construction permit program, primarily the issue of expiring Title 1 conditions</p> <p>Region 5 Work with WDNR to address program issues, including construction/operation permit interface.</p>	State	<p>Notify Region 5 and include Region 5 on all agendas for air management monthly permit conference calls.</p> <p>Revise Construction Permit SIP to address expiring Title 1 condition issue</p>	<p>WDNR: Complete</p> <p>WDNR: Working on possible SIP changes for a one permit system to address EPA concerns.</p>

Continue IBM Permit Efficiency Report streamlining efforts. Continue progress in decreasing current operation permit backlog, including both federal operation permits (FOPs) and federally enforceable state operation permits (FESOPs) . Continue to workplan for renewals, revisions, and re-openings of FOPs and FESOPs. Continue to use this reported time in conjunction with the number of issued permits to check on streamlining efforts.

Jeff Hanson, Permits & Stationary Source Modeling Section Chief, (608) 266-6876

WDNR Activity Code

AMES-01 Operation Permit – Analysis
 AMES-02 Operation Permit – Modeling
 AMES-03 Operation Permits – Verification
 AMES-05 Operation Permit Renewal
 AMES-06 Operation Permit Questions
 AMEP-02 Revisions to Permits
 AMBE Contested case Hearings
 AMZZ-07 Hazardous Air Pollutant Consistency Reviews
 AMGE-19 General Policy Development

Reporting Requirements and Agreements

Title V Permits (issuance) - CAA 505(a)

May 29, 1995, Implementation Agreement for the Part 70 Operation Permit Program.

July 11, 1996, USEPA / WDNR Working Document

February 19, 2002, Memorandum of Agreement Regarding Sections 111(d)/129 Federal Plans

December 16, 2002, Schedule for Operation Permit Issuance

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
30	WDNR Evaluate program implementation in the Regions and Central Office to determine what additional tools are desirable to help permit writers issue operation permits. As part of this task, review and evaluate existing tools and procedures and recommend changes to improve efficiency.	State	Continued improvement.	WDNR –Air management staff developed and maintain a new intranet web page to organize policy and guidance for permit writers. Staff have also started work on permit software to develop help features which should help permit writers.
31	WDNR Work with EPA to address any outstanding issues	State	Notify Region 5 and include Region 5 on all	WDNR -- WDNR and the governor office will work with Region 5 on resolution of the NOD.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	<p>for full Title 5 program approval and any other noted deficiencies.</p> <p>Region 5 Work with WDNR to address program issues, including construction/operation permit interface, and part 70 rule revisions.</p>		<p>agendas for air management monthly permit conference calls.</p>	
32	<p>WDNR Continue progress in decreasing backlog. Provide workplanning analysis for issuance of operation permits, renewals, revisions, and re-openings of permits between July 1, 2003, and September 30, 2005. Include analysis of number of FTE devoted to operation permit issuance and the numbers of hours that are planned for permit issuance on a statewide average.</p> <p>Region 5 Request and support national recognition from EPA headquarters on full implementation of Title V including the principle that all states must workplan for renewals, revisions, and re-openings in addition to initial permit issuance.</p> <p>Review and comment on draft and proposed FOPs and FESOPs; provide additional permit review input as requested by WDNR.</p> <p>Provide federal permit guidance when issued, provide specific assistance when requested, participate in monthly WDNR permit calls and quarterly regional permit calls.</p> <p>Assist WDNR in ensuring that any permits</p>	State	<p>WDNR provide EPA with list of WDNR program priorities regarding stationary source regulation by July 1, 2003.</p> <p>WDNR provide EPA with annual progress reports towards completion of work effort outlined in December 16, 2002 operation permit issuance schedule. WDNR inform EPA of any necessary revisions to schedule resulting from program funding restrictions as they are known.</p>	<p>WDNR -- Air management identified a list of 148 backlog Part 70 permit reviews and will complete review by December 2004.</p> <p>WDNR will provide full program implementation including revisions, renewals and FESOP backlog in the complete response to the NOD.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	developed pursuant to the Environmental Council of States (ECOS) Agreement meet federal requirements.			
33	Region 5 Evaluate and review EPA proposals with regard to TOPs and any other data entry and management for operation permit issuance.			
34	WDNR Update permit regulations to require Part 70 permits for sources that are affected by any 111(d) federal implementation plan.	State	Update permit regulations within 18 months of federal promulgation, to require Part 70 permits for sources that are affected by any 111(d) federal implementation plan.	WDNR-- not completed.
35	WDNR Evaluate and respond to EPA program review inquiries and efforts.	State	DNR participates in conference calls. DNR responds to written drafts with written comments within at least 6 weeks of receipt.	WDNR -- done.
36	WDNR Participate in regional meetings and communication with states and Region V on collaborative evaluation and discussion of issues facing Part 70 permit issuance. Region 5 Region 5 organize meetings including meetings, conference calls and agendas.	State	DNR and Region 5 participate in conference calls. Participate in meetings as time and resources allow.	WDNR -- WDNR will provide full program implementation including revisions, renewals and FESOP backlog in the complete response to the NOD.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
37	<p>WDNR</p> <p>Participate in training with states and Region V on issues facing Part 70 permit issuance.</p> <p>WDNR contribute to training.</p> <p>Region 5</p> <p>Region 5 organize meetings including meetings, conference calls and agendas for training on issues issues facing Part 70 permit issuance.</p>	State		WDNR ---done.

To improve air quality and attain ambient air quality standards in eastern Wisconsin and the Lake Michigan Region, WDNR will develop an attainment demonstration for the 1-hour ozone standard. This attainment plan will rely heavily on reductions in precursor emissions from upwind states.

Larry Bruss, Regional Pollutant & Mobile Source Section Chief - 608 / 267-7543

WDNR Activity Codes

AMGE-01 Pollutant Episode Forecasting
AMGE-02 Air Monitoring for Criteria Pollutants
AMGE-19 General Policy Development
AMGE-06 Ozone SIP Development – Stationary & Area Sources
AMGE-07 Particulate Matter Plan Development and Redesignation
AMGE-08 Carbon Monoxide, Lead, Sulfur Dioxide Plan Development & Revision
AMAM Inspection Maintenance & Anti-Tampering
AMEA Ozone Control Mobile Sources
AMEB Inspection Maintenance Mechanics Training

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
38	<p>WDNR</p> <p>Develop and submit recommendations for nonattainment areas for the 8-hour ozone standard and PM2.5 standards.</p>	105/State	Governor's recommendations on PM2.5 and 8-hour ozone nonattainment areas.	July 30, 2004 - 8-hour ozone nonattainment areas are final. Governor will provide data on PM2.5 by September 1, 2004.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	Region 5 Develop guidance for implementing the 8-hour standard and PM2.5 standards. Disseminate guidance and provide technical assistance.		December 15, 2003	July 30, 2004 - EPA has still not finalized 8-hour ozone guidance nor has even proposed PM2.5 guidance. EPA - Wisconsin submitted PM2.5 recommendations in a letter dated August 9, 2004.
39	WDNR Work with LADCO and the other Lake Michigan States to evaluate ambient air quality data and conduct other data analyses to meet the SIP commitment for a mid-course review of the 1-hour attainment demonstration. Region 5 Provide relevant guidance on mid-course reviews and process any SIP submittals as necessary.	105/State	A technical support document that describes the analysis for the mid-course review and submittal of any SIP revisions as necessary. December 31, 2004	July 30, 2004 - Project Team has reviewed a draft mid-course review document. The document will be updated to include 2004 ozone season data and will be submitted by the end of the calendar year.
40	WDNR Revise Walworth County 1-hour ozone maintenance plan as required by the Clean Air Act. This activity may be superseded by the 8-hour ozone implementation plan. Region 5 Provide relevant guidance on 1-hour maintenance plans and process any SIP submittals as necessary	105/State	A revised 1-hour ozone maintenance plan for Walworth county December 31, 2004	July 30, 2004 - DNR has been pursuing higher priority issues, since the 1-hour standard will be revoked on June 15, 2005.
41	Region 5 Provide guidance and technical assistance regarding voluntary emission reduction programs or measures.	105/State	July 1, 2004	July 30, 2004 - EPA continues to provide technical assistance on an as need basis. For example, EPA is assisting DNR with implementation of CMAQ Grant to retrofit school buses in Southeast Wisconsin.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
				EPA concurs.
42	<p>WDNR Develop or revise and submit to USEPA conformity budgets as necessary.</p> <p>Region 5 Continue to implement the conformity rules and work with WDNR and MPOs to establish conformity budgets. Conduct adequacy determinations for submitted conformity budgets.</p>	105/State	<p>Determine adequacy and rulemake on conformity budgets for ozone nonattainment and maintenance areas in Wisconsin as necessary.</p> <p>July 1, 2005</p>	<p>July 30, 2004 - completed as necessary.</p> <p>EPA continues to work w/WDNR and MPOs on implementation of the conformity rules and accompanying SIP revisions as necessary.</p>
43	<p>WDNR Work with the Midwest RPO to conduct the analyses in support of Section 110 SIPs for 8-hour ozone, and PM2.5. This work includes photochemical modeling, air quality data analyses and emissions data development.</p> <p>Region 5 Disseminate relevant guidance and provide technical assistance in the development of Section 110 SIPs for PM2.5.</p>	105/State	<p>Regional chemical transport modeling, emissions data inventories and air quality data analyses that support submittal of Section 110 SIPs for 8-hour ozone and PM2.5.</p> <p>July 1, 2005</p>	<p>July 30, 2004 - WDNR works with LADCO and the Midwest RPO on all phases of PM2.5, haze and ozone SIP development.</p> <p>EPA provides both technical and administrative guidance regarding PM2.5 and SIPs when it becomes available.</p>
44	<p>WDNR Participate in the Midwest Regional Planning Organization (RPO) on regional haze planning.</p> <p>Region 5 Work with WDNR and RPO on regional haze planning. Provide guidance to define control programs for BART sources.</p>	105/State	<p>Regional chemical transport modeling, emissions data inventories and air quality data analyses that support submittal of a regional haze SIP.</p> <p>July 1, 2005</p>	<p>July 30, 2004 - WDNR works with LADCO and the Midwest RPO on all phases of PM2.5, haze and ozone SIP development.</p> <p>EPA continues to work with both WDNR and LADCo on Regional Haze planning.</p>
45	<p>WDNR As necessary, WDNR will develop appropriate materials to support criteria pollutant</p>	105/State	<p>Number of new non-attainments or attainment areas (and their</p>	<p>July 30, 2004 - WDNR developed appropriate data for PM2.5 and 8-hour ozone designations.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	designations, including redesignations, and classifications. Region 5 Promulgate criteria pollutant designations and classifications in a timely manner. Process redesignations in a timely manner.		associated populations) for any criteria pollutant. July 1, 2005 Redesignation of non-attainment areas (and their associated populations) redesignated to attainment for any criteria pollutant.	EPA designated 8-hour ozone nonattainment areas in April 2004. EPA is now on track to complete the designation process for PM2.5 before the end of 2004.
46	WDNR Work with EPA to address any new areas violating a criteria pollutant standard. Region 5 Work with DNR to address any new areas violating a criteria pollutant standard.	105/State		July 30, 2004 - WDNR works with LADCO and the Midwest RPO on all phases of PM2.5, haze and ozone SIP development EPA is not aware of any new areas violating the standard

Determine air emission source compliance with federal and state rules and permit requirements; employ pollution prevention approaches to maintain compliance and take steps to correct instances of non-compliance in a timely manner.

Bill Baumann, Compliance & Enforcement Section Chief - 608/267-7542

WDNR Activity Codes

AMTV-01 Exceedance Tracking & Investigation
AMTV-02 Emission Inventory
AMTV-05 Federal Major Source Inspection
AMGE-11 Other Stationary Source Inspections
AMTV-06 Stack Testing
AMTV-07 Continuous Emission Monitoring
AMGE-12 Complaint Investigation
AMTV-08 Operation of Visible Emission School
AMGE-13 Compliance Plan Review
AMAV Stage 2 Vapor Recovery
AMAS-01 Asbestos Demolition & Renovation

AMAS-02 Asbestos Permit Exemption Review
 AMTV-09 Fuel Sampling & Analysis
 AMTV-10 Major Source Enforcement
 AMGE-18 Other Source Enforcement
 AMES-01 Operation Permit Analysis
 AMZZ-05 Statewide Quality Assurance Coordination

Agreements and Reporting Requirements

September 5, 2000, Memorandum of Understanding on High Priority Violator Enforcement
 Annual Source Emissions and State Action Report - 40 CFR 51.321
 Copies of Enforcement Orders - 40 CFR 51.327

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
47	<p>WDNR</p> <p>WDNR will provide outreach and compliance assistance, where the number and complexity of the sources impacted warrant, to the regulated community on new MACT regulations. The level of effort will be determined based on actual promulgation dates and the number of sources determined by WDNR to be affected by the MACT.</p> <p>Region 5</p> <p>USEPA Region 5 will assist in the MACT compliance assistance outreach effort.</p>	State	Percentage of impacted sources contacted by outreach activities.	<p>The Wisconsin Department of Commerce Small Business Clean Air Assistance Program provides MACT outreach. Information was sent to 1455 potentially affected sources in June '03 on MACT's issued earlier that spring. Information on the public hearing for the WDNR secondary aluminum rule was sent to 556 potential sources in April '04. Dry cleaner outreach was conducted in December '03, with 500 compliance calendars disseminated.</p> <p>WDNR developed a potentially affected source list for the iron and steel foundry MACT, and in late spring '04 e-mailed information to those 51 sources on MACT initial notification requirements.</p> <p>The focus of WDNR MACT efforts is shifting towards compliance evaluation. During FY '04, over 40 chrome MACT affected sources were inspected, along with over 60 halogenated solvent MACT sources.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
				EPA -- This information must be verified by retrieving State inspection data from AFS to ensure that a) all inspections were received; b) all inspections were properly classified by MACT; c) all inspections were reviewed for compliance. This action is planned for completion by October 1, 2004.
48	<p>WDNR</p> <p>On July 1, 2003, WDNR will begin implementing its Compliance Monitoring Strategy (CMS) plan for the period July 1, 2003 to June 30, 2005. By May 1, 2005, WDNR will develop and submit to U.S. EPA for review a CMS plan for the subsequent biennium starting July 1, 2005. The CMS plan will set forth WDNR's full compliance evaluation commitments for the biennium, including the number and types of sources to be inspected and will be consistent with U.S. EPA's April 2001 CMS policy. WDNR will provide U.S. EPA quarterly updates detailing additions to and deletions from their FCE list, along with the reasons for the changes.</p>	State		<p>The WDNR CMS plan was discussed in a face-to-face meeting in August '03. The plan and FY '04 FCE list were submitted to Region 5 in September '03. EPA verbally approved the WDNR CMS plan in January '04. The plan (WDNR Ranking Strategy) will remain the same for FY '05. An '05 FCE list is currently being compiled, and should be submitted to Region 5 over the next few weeks.</p> <p>A number of changes occurred to the WDNR '04 FCE list due to facilities closing, etc. The final '04 FCE list contained 243 facilities. FCE's were conducted at 236 of those facilities. FCE's were conducted at an additional 56 facilities, for a total of 292 FCE's in FY '04. Final source specific lists and results were provided to Region 5 in early July '04.</p> <p>EPA -- Inspection information for WDNR 2004 inspection commitment is still being added to AFS for the State. In addition, WDNR's FY2005 data has been received and is being processed.</p> <p>Final results will be posted upon completion.</p>
49	<p>WDNR & Region 5</p> <p>By November 15, 2003, U.S. EPA and WDNR will prepare a revised outline for the</p>	State & Federal	Completion of the revision of the MOU.	This effort has been started. Part of a re-draft of the MOU was provided to WDNR for review in April '04, but the press of other activities (e.g.,

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	Memorandum of Understanding (MOU), and by April 15, 2004, will have agreed upon a revised and updated MOU that will set forth the respective compliance, enforcement and communication responsibilities between the two agencies. Both agencies will evaluate their performance in relation to the MOU annually as an element of the EnPPA SAR process.			NOD response) has precluded further progress. Additional progress on this item is anticipated by fall '04. An appendix will be added addressing the specifics of the electronic transfer of compliance data from WACD to AFS. EPA -- This effort is ongoing.
50	<p>As soon as practicable after September 30, 2003, the EPA Region 5 AECA Branch Chief will discuss on one of the monthly EPA/DNR conference calls anticipated EPA initiatives and priorities, as established in the OECA MOA process. The intent of this discussion is to insure that both agencies are well aware of upcoming compliance or enforcement activities which will impact either agency.</p> <p>Over the course of the biennium, WDNR and U.S. EPA will seek to identify areas of possible work sharing. Areas include: compliance and enforcement at State-owned facilities, larger complex facilities, companies with facilities in multiple Region 5 states, and egregious emission violations.</p>	Federal & State	Having no EPA initiative implementation activities begin without prior knowledge by WDNR.	<p>The discussion on EPA priorities has not occurred so far.</p> <p>“Work sharing” was tried on the full compliance evaluation for S.C. Johnson in WDNR’s Southeast Region, due to the extremely large size and complexity of this facility. This effort evolved into a multi-media inspection largely led by EPA.</p> <p>EPA -- WDNR staff is always notified of pending federal activity in the state. Just recently, a WDNR staff member accompanied EPA employees on several inspections in order to assist in the development of the State rule for the Secondary Aluminum MACT. US EPA will continue to seek out opportunities to work with the State on “work sharing” efforts or assistance.</p>
51	EPA Region 5 will provide WDNR technical support regarding WDNR’s data upload into AFS.	Federal	WDNR having capability to electronically upload data to AIRS by September 30, 2003.	EPA provided AFS training in September '04. Problems with a contractor hired by WDNR to do programming related to the electronic transfer resulted in the contractor being fired, and this has delayed programming completion and implementation. A pilot transfer of NER data will occur in September '04. Routine electronic transfer of all WDNR air data will begin as soon as any “bugs” identified in the pilot are resolved.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
				EPA -- EPA staff continues to work on data cleanup in AFS to ensure a smooth transition of data upload responsibility to WDNR. Full electronic transfer of required data from WDNR's system to AFS is expected by the end of 2004.

Review the Air Management portion of the WDNR QMP and determine need for changes. Changes will be corrected in 2005 – 07 EnPPA.

Eileen Pierce, Monitoring Section Chief – 608/266-1058

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
52	Complete review of the program's part of the WDNR QMP and identify areas that need to be revised by 6/30 2005. Note - Revisions will be accomplish in the 2005 – 07 EnPPA. Complete review of the program's part of QM	Federal	Review completed and problem areas identified.	WDNR – Initial meeting with DNR and EPA counterparts conducted on August 3, 2004. Plan and schedule for QMP update has been developed. Work is underway.

C. Program: Cooperative Environmental Assistance

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1	<p>Automobile Mercury Switch Program</p> <p>Develop a mercury switch removal and recycling program for automotive recyclers to remove this source of mercury from being released into the environment.</p> <p>Grant #GL-97571001-1</p> <p>Lead: Mark Harings</p> <p>08/01 – 09/04</p>	GLNPO	<p>Number of participating Recyclers and mercury switches recovered.</p> <p>Results will be shared with other states to develop similar programs.</p>	<p>Automobile Mercury Switch Program</p> <ul style="list-style-type: none"> • July 2003: 150lbs. Of Mercury (Capsule Included) was picked up at collection sites, and some additional was collected in bulk. • We have collected more than any other state and unlike other states we do not have a bounty on the switches. WI auto and scrap dealers have done an outstanding job on a voluntary basis. • A no cost/time only extension request has been approved for following year. The extension will allow to prepare the auto and scrap industry for voluntary collection after grant period, and to develop a recognition program for the industry participants. • Development of the "Year 2000 Modeled Releases by the Barr Engineering Company, Minneapolis, MN" has been completed. This model includes Releases of Hg to WI's environment from common Hg produces.
2	<p>Wisconsin's Collaboration for Pollution Prevention (WIP2) includes partners with Wisconsin Department of Commerce, Dept. of Agriculture, Trade and Consumer Protection, University of Wisconsin-Extension, Solid and Hazardous Waste Education Center, and the Wisconsin Department of Natural Resources.</p> <p>Elimination of Hazardous Air Pollutants (HAP's) through pollution prevention outreach, education, and direct technical assistance. A voluntary pollution prevention program for agri-chemical dealerships is also included in this grant.</p>	Pollution Prevention (P2) Grant Program	<p>Actual or potential: process changes, material substitutions, or equipment changes implemented or attributable to the project.</p> <p>Number of facilities that sign up for the program.</p> <p>Reduction in excess agrichemicals kept out of the environment via the volunteer facilities.</p>	<p>Collaboration for Pollution Prevention partners participation in EPA's P2 grant included three projects:</p> <ul style="list-style-type: none"> • UW-SHVEC alerted industry to the formal adoption of WDN445 revisions, and promoted the use of <i>HAPsHelp</i> for identifying sources of emissions. Outreach training is occurring through November 2004. • WDNR program underway to improve relationships with economic development professionals and lenders to assist with compliance and pollution prevention. This work also encourages consistent and systematic

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	Grant #NP97597601 Lead: Mark McDermid 10/1/02 – 9/30/03			<p>approaches to WDNR interactions with these groups. The work was accomplished by partnering with several of the WDNR programs and incorporating information about their current initiatives in the Permit Primer.</p> <ul style="list-style-type: none"> • WDATCP informed WDNR they would not pursue the Ag-Chem dealers work included in the grant because: A substantial portion of the grant was related to hosting a training session with the agricultural industry regarding EMS's. Results of a survey of the ag-industry regarding interest in a session on this topic indicated a limited amount of interest in such a session at this time. So contract was canceled, and with EPA approval, DNR implemented a contract with UW for limited initial Ag EMS work.

D. Drinking Water / Ground Water

Shared Environmental Goals - USEPA and WDNR agree upon the following Shared Goals:

- Goal 1: All waters in Region 5 will support healthy aquatic biological communities.
- Goal 2: All waters in Region 5 will support fish populations with safe levels of contaminants.
- Goal 3: Designated swimming waters in Region 5 will be swimmable.
- Goal 4: All people in Region 5 served by public water supplies will have water that is consistently safe to drink.
- Goal 5: The quantity and quality of critical aquatic habitat in Region 5, including wetlands, will be maintained or improved.

These goals will assist EPA and Wisconsin in joint priority setting and planning to more effectively target our programmatic work.

USEPA Region 5 & the WDNR use the following work plan to track which activities are accomplished annually to implement Public Water System Counter Terrorism Technical Assistance and Training, the Public Water System Supervision Program, Drinking Water State Revolving Fund Set-Aside Programs, and the Groundwater component Section 106(b) in Wisconsin. Using this work plan as a framework for annual planning and progress assessment should meet several objectives:

- promote clear understanding of both WDNR and EPA commitments;
- minimize ad hoc requests for program reporting;
- promote judicious use of limited resources to achieve the best possible public health protection;
- support efforts to increase resources by clearly identifying resource and program constraints; and
- promote collaborative inter-agency program planning and implementation.

The work plan includes all major activities required by primacy regulation and primary drinking water regulations, and will guide annual EnPPA discussions leading to grant commitments, work-sharing agreements, and temporary disinvestments that lead to an ARDP. The ARDP reflects what will and will not get done in Wisconsin each year in the aforementioned programs, recognizing that resource reductions have significantly impacted the drinking water and groundwater program in Wisconsin over the past 2 years.

The ARDP acknowledges that not all primacy-related activities will be able to be accomplished in the short-term, specifies where program disinvestments will be made based on annual negotiations, and specifies where EPA may help share workload with the WDNR. It is the intention of both the WDNR and EPA to end all disinvestments and return to full implementation of primacy commitments when adequate resources become available. Listed first in the work plan below are core activities that are fundamental to the integrity of the public health protection program and are not amenable to priority-setting.

PUBLIC WATER SYSTEM SUPERVISION PROGRAM CORE STATE ACTIVITIES

Provide an adequate laboratory certification program for all regulated contaminants. This does not mean that States must expand their labs to perform all the analyses. At a minimum, a State should have an adequate certification program to certify commercial labs within the State.

Maintain a data management system that tracks requirements for all rules. This means to have the appropriate combination of hardware, software and personnel to accurately and within a reasonable timeframe identify the inventories, (including routine updates of system information), maintain water quality monitoring information, and track compliance with all M/R, MCL, TT, PN and public information requirements.

Keep adequate records of pertinent State decisions.

Adopt all rules in a timely manner (within two year extension period).

Notify all systems of regulatory requirements and respond to questions.

Determine violations for all rules and report to EPA.

Maintain an adequate enforcement and compliance assistance program (adequacy determined by a decrease in violation frequency).

Develop and implement a plan to provide adequate funding to carry out all functions of the PWSS program.

Maintain a baseline core of individuals with the technical expertise needed, to perform sanitary surveys, plan and spec reviews, and respond to emergencies.

Acronyms/Abbreviations

As - Arsenic

CCR - Consumer Confidence Report

CPE - Comprehensive Performance Evaluation

CTA - Comprehensive Technical Assistance

CWS - Community Water System

DBP - Disinfection By-Products

D/DBPR - Disinfectants and Disinfection By-Products Rule

DWSRF - Drinking Water State Revolving Fund

EnPPA - Environmental Performance Partnership Agreement

EV – Enforcement Verification

FBRR - Filter Backwash Recycling Rule

GWR - Ground Water Rule

GWS - Ground Water System

GUDI - Ground Water Under the Direct Influence of Surface Water

HSA - Hydrogeologic Sensitivity Assessment
IESWTR - Interim Enhanced Surface Water Treatment Rule
IOC - Inorganic Contaminant
LCCA – Lead Contamination Control Act
LCR - Lead and Copper Rule
LT1/LT2SWTR - Long-Term 1 and Long-Term 2 Surface Water Treatment Rules
MCL - Maximum Contaminant Level
M/R - Monitoring/Reporting
MRDL - Maximum Residual Disinfectant Level
NCWS - Non-Community Water System
NPDWR - National Primary Drinking Water Regulation
NTNCWS - Non-Transient Non-Community Water System
OCCT - Optimal Corrosion Control Treatment
pCi/L - picoCurie per liter
PN - Public Notification
ppb - part per billion
PWS - Public Water System
PWSID - Public Water System Identification
PWSS - Public Water System Supervision
Rads - Radionuclides
SDWIS/FED - Safe Drinking Water Information System/ Federal
SNCs - Significant Non-Compliers
SOC - Synthetic Organic Contaminant
SWTR - Surface Water Treatment Rule
TCR - Total Coliform Rule
TNCWS- Transient Non-Community Water System
TT - Treatment Technique
UCMR - Unregulated Contaminant Monitoring Rule
VOC - Volatile Organic Contaminant
WBDO - Waterborne Disease Outbreak
WQP - Water Quality Parameter

Resource Deployment Plan Table of Contents

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- FBRR

- SWTR

- IESWTR
- LT1SWTR

- 3 – Implement TCR
- 4 – Adopt & Implement the GWR
- 5 – Implement the NPDWRs for Nitrate and Nitrite
- 6 – Implement and Enforce Radionuclide NPDWRs
- 7 – Implement NPDWRs for VOCs
- 8 – Implement NPDWRs for SOCs
- 9 – Adopt & Implement NPDWRs for IOCs (including As)
- 10 – Adopt & Implement the D/DBPRs
- 11 – Implement the Lead and Copper Rule
- 12 – Implement the Sodium NPDWR
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- 15 - New Inventory Reporting Requirements
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#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1	Prepare for Security Threats at PWSs	Security Grant	The WDNR has committed to completing all of these activities.	
1.1	Develop and update an electronic security alert system	“ “		Completed 6/03. WDNR has the ability to contact community water systems by email or fax within 24 hours.
1.2	Participate in Emergency Management exercises	“ “		WDNR has participated in yearly EM exercises for nuclear power plants. Exercises have prepared WDNR for participation in an emergency operation center as part of the incident command system.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1.3	Provide basic security guidance to all municipal water system owners	“ “		Ongoing 7/04. WDNR inspectors deliver basic security guidance during the facility plan review process, annual inspections, and sanitary survey inspections. WDNR has a contract with Wisconsin Water Association and Wisconsin Rural Water Association to deliver Vulnerability Assessment and Emergency Response Plan training and assistance to communities serving over 3300 people.
1.4	Review security plans created by communities serving greater than 100,000 persons	“ “		Ongoing 7/04. Emergency response plans are reviewed by WDNR inspectors on annual inspections.
1.5	Implement regional drinking water security contacts to provide technical assistance and training to system owners and the public	“ “		Ongoing 7/04. Work under contract with Wisconsin Water Association and Wisconsin Rural Water Association focuses on security related technical assistance for system owners. A brochure and magnets were created and distributed to systems aimed at educating the public as to how they can help protect their water system through a neighborhood watch plan.
1.6	Establish and monitor contracts that develop self-evaluation procedures for small and medium-sized PWSs, and provide technical assistance and training to small and medium-sized PWS owners and operators in conducting a drinking water systems security self-evaluation	“ “		Complete 7/04. Wisconsin Water Association and Wisconsin Rural Water Association provided vulnerability assessment training and technical assistance to Wisconsin PWSs serving over 3300 people.
1.7	Track status of security assessments	“ “		Complete 7/04. WDNR created a new field in its drinking water system database to record the date the vulnerability assessment was complete. Wisconsin Rural Water Association, under contract, has contacted PWSs who have yet to complete their vulnerability assessments and assisted them in completing this requirement.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1.8	Update security guidance for Drinking Water Program Staff	“ “		Completed 9/03. Internal security guidance for WDNR Drinking Water Staff was updated and distributed to the department and partners.
1.9	Compile a status report on PWS security readiness	“ “		Not Complete 7/04. WDNR will work with contractors and USEPA to track the completion of security related requirements and issue a status report on the readiness of Wisconsin PWSs.
1.10	Develop and monitor contracts to develop a protocol and provide technical assistance for exercising emergency response plans.	“ “		Ongoing 7/04. Work under contract with Wisconsin Water Association and Wisconsin Rural Water Association focuses on emergency response plan technical assistance for system owners. Completed work on training film for law enforcement, pursuing contract to exercise plans
1.11	Develop and monitor contracts to develop a uniform, statewide neighborhood watch plan to provide protection of water systems	“ “		Completed 6/04. A contractor was hired to develop materials for a statewide neighborhood watch plan. Brochures were created for citizens and public water system owners. Magnets were created for citizens. These materials were distributed to PWSs through a technical assistance contractor.
1.12	Integrate ongoing oversight of emergency response plans into the existing sanitary survey process	“ “		Ongoing 7/04. Oversight of emergency response plans (ERPs) into the existing sanitary survey process is ongoing. Fields for tracking of completion and exercising of ERPs is included in the drinking water system database.
1.13	Update security guidance for drinking water/groundwater program staff and increase communication capabilities.	“ “		Completed 9/03. Internal security guidance for WDNR Drinking Water Staff was updated and distributed to the department and partners. Emergency emails, fax numbers, phone numbers, and contact people for PWSs are maintained current in the drinking water system database.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
2	Implement SWTRs	PWSS/ Program Mgmt. Set-aside/ State	The WDNR has committed to completing all of these activities, except where noted.	
2.1	Adopt all rules in a timely manner (within 2 year extension period)	“ “		<p>Adopted IESWTR January 2001. LT1 is projected to be adopted 4/05. EPA approved a primacy application extension for the WDNR for LT1 through 7/05. Only one surface water system in Wisconsin serves a sufficiently small population to not be regulated by IESWTR requirements. The WDNR plans to have that system meet IESWTR requirements and deadlines along with the rest of the surface water systems in Wisconsin.</p> <p><i>EPA intends to approve WDNR program revisions that include the IESWTR in the 4th qtr of 2004.</i></p>
2.2	Notify all surface water systems of their regulatory requirements.	“ “		Completed/Ongoing
2.3	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the Surface Water Treatment Rules. Note: While monitoring requirements are automated (i.e. routine monitoring requirements are automatically assigned) violation of Treatment Techniques (TT's) will be tracked manually and data entered into the system. It is too expensive to automate program for only 19 surface water systems.	“ “		<p>Completed/Ongoing</p> <p>System has been updated to retain all required info. Still need to produce written guidance to small number of regional staff.</p> <p><i>The FY 2003 EV found that the WDNR did not have an enforcement flow chart for the Surface Water Treatment Rule. The WDNR has since agreed to create a Surface Water Treatment flow chart.</i></p>
2.4	Electronically report all TT, M/R, & PN violations & inventory updates to SDWIS/FED for all surface water systems*.	“ “		Completed/Ongoing – System capable, reporting dependent upon manual input of data which is ongoing.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
2.5	Conduct sanitary surveys at surface water systems.	“ “	WDNR inspectors will stay on a 5-yr san. survey schedule for municipal surface water systems as long as each receives an annual inspection.	Completed/Ongoing The sanitary survey process is being integrated with the data system to ensure compliance with the eight essential elements and to track system compliance with corrective actions that rectify identified significant deficiencies.
2.6	Ensure that all surface water and GUDI systems that notify the State that they recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes, return these flows through the processes of a systems's existing conventional or direct filtration system, or at an alternate location approved by the State.	“ “		Completed/Ongoing
2.7	Use sanitary surveys, CPEs, other inspections, or other activities to evaluate recycled backwash water practices when they occur at surface water and GUDI systems. When those practices are not in compliance with the FBRR require the system to modify the practices to achieve compliance.	“ “		Completed/Ongoing
2.8	Ensure that filter/disinfection practices are adequate to achieve inactivation/removal requirements for regulated microbial contaminants found in surface water sources.	“ “		Completed/Ongoing
2.9	Follow-up on turbidity TT violations.	“ “		Ongoing
2.10	Follow-up on individual filter turbidity M/R violations.	“ “		Ongoing
2.11	When required, track the completion of CPE/CTA for PWSs where the cause/solution of turbidity problems are unclear.	“ “		Ongoing as needed
2.12	Ensure that a residual disinfectant concentration is measured according to rule requirements.	“ “		Ongoing
2.13	Report treatment data (e.g., treatment codes for all surface water, GUDI, and purchased GUDI sources, seller's PWSID number for purchased	“ “		Completed/Ongoing

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	surface water and purchased GUDI sources, etc.)			
2.14	Ensure that disinfection profiling and bench-marking is conducted when required by rule.	“ “		Completed/Ongoing
2.15	Ensure that all required records are kept by surface water systems.	“ “		Completed/Ongoing
2.16	Complete remaining GUDI determinations. Due to existing resource constraints, DNR does not currently plan to revise it's methodology or make new GUDI determinations.	“ “	USEPA is unaware of any work being done by the WDNR to determine PWSs that are GUDI since 1992. At that time no GUDI municipal CWSs were determined to exist in Wisconsin. No work has been done on determining GUDI for other PWS types.	While we have not, on a statewide basis, evaluated all of the other systems for GWUDI the policy of replacing recurring TCP wells is being implemented (which EPA agreed was an acceptable approach). Therefore, on an annual basis each system, regardless of type, is being subjected to the state GWUDI protocol and if TCP wells are being replaced as intended we should have no GWUDI in Wisconsin.
2.17	When required, track the completion of CPE/CTA for PWSs where the cause/solution of turbidity problems are clear.	“ “		Not required to date
3	Implement TCR	PWSS/ Program Mgmt. Set-aside/ State	The last data verification report noted that the WDNR's tracking & compliance determination for TCR was excellent. The WDNR has committed to completing all of these activities, except where noted.	
3.1	3.1 - Notify all public water systems of their regulatory requirements.	“ “	The WDNR should check that all PWSs on reduced monitoring are	Completed/ongoing

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			current for sanitary survey inspections or increase their monitoring frequency in accordance with the TCR.	
3.2	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the TCR.	“ “		Completed/ongoing
3.3	Electronically report all TCR MCL, M/R and PN violations and inventory updates to SDWIS/FED for all public water systems.*	“ “		Completed/ongoing
3.4	Follow-up on all MCL violations and determine a proper course of action to ensure public health protection.	“ “		Completed/ongoing
3.5	Follow-up on all M/R violations.	“ “	The WDNR commits to recording, but not following up on minor M/R violations.	Completed/ongoing <i>The FY 2003 EV found that the WDNR did not have an enforcement flow chart for the TCR M/R The WDNR has since agreed to create a TCR M/R flow chart.</i>
4	Adopt & Implement the GWR	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities after adoption, except where noted.	
4.1	Adopt the GWR in a timely manner (within two year extension period).	“ “		GWR not issued this year
4.2	Notify all public water systems of their regulatory requirements.	“ “		GWR not issued this year
4.3	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the GWR.	“ “		GWR not issued this year

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
4.4	Electronically report all TT, M/R and PN violations and inventory updates to SDWIS/FED for all public water systems.	“ “		GWR not issued this year
4.5	Conduct sanitary surveys every 3 years at CWSs, and every 5 years at NCWSs served by a groundwater source that do not have a certified operator.	“ “	The WDNR may need to negotiate a reduction in the sanitary survey frequency for small municipal and other public water systems if resources remain steady or decline further.	GWR not issued this year
4.6	Conduct sanitary surveys every 3 years at CWSs, and every 5 years at NCWSs served by a groundwater source that had a TCR MCL violation in the last 5 years, the cause of which was not clearly known.	“ “	The WDNR may need to negotiate a reduction in the sanitary survey frequency for small municipal and other public water systems if resources remain steady or decline further.	GWR not issued this year
4.7	Conduct sanitary surveys every 3 years at CWSs, and every 5 years at NCWSs served by a groundwater source that were assessed to be susceptible to <i>E. coli</i> during the source water assessment.	“ “	The WDNR may need to negotiate a reduction in the sanitary survey frequency for small municipal and other public water systems if resources remain steady or decline further.	GWR not issued this year
4.8	Determine appropriate corrective actions for PWSs that collect a fecal indicator-positive source water sample or that have significant deficiencies identified in a sanitary survey.	“ “		GWR not issued this year
4.9	Conduct an HSA to determine which GWSs have wells located in karst, fractured bedrock, or gravel settings that are not protected by a hydrogeologic barrier.	“ “		GWR not issued this year

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
4.10	Follow-up on corrective action reporting violations.	“ “		GWR not issued this year
4.11	Follow-up on M/R violations.	“ “		GWR not issued this year
4.12	Follow-up on WBDO reporting violations.	“ “		GWR not issued this year
4.13	Conduct sanitary surveys every 3 years at all CWSs and every 5 years at all NCWSs not represented in activities 4.5, 4.6, and 4.7.	“ “	The WDNR may need to negotiate a reduction in the sanitary survey frequency for small municipal and other public water systems if resources remain steady or decline further.	GWR not issued this year
4.15	Follow-up on other discovered recordkeeping/reporting violations.	“ “		GWR not issued this year
5	Implement NPDWRs for Nitrate and Nitrite	PWSS/ Program Mgmt. Set-aside/ State	The WDNR has committed to completing all of these activities.	
5.1	Notify all public water systems of their regulatory requirements.	“ “		Completed/ongoing
5.2	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and tracks nitrate/nitrite violations.	“ “	The last data verification noted 1 CWS, 3 NTNCWSs, and 1 TNCWS where nitrate or nitrite samples were not collected by the PWS and no associated violation was reported to SDWIS. The WDNR should ensure that all nitrate/nitrite sampling violations are reported to SDWIS.	Completed/ongoing

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
5.3	Electronically report all violations and inventory updates to SDWIS/FED for all public water systems*.	“ “		Completed/ongoing
5.4	Follow-up on all MCL violations and determine a proper course of action to ensure public health protection.	“ “		Completed/ongoing
5.5	Follow-up on SNC M/R violations and M/R violations that occur at schools or day cares. Explain how schools and day cares M/R violators will be identified and tracked.	“ “		Completed/ongoing
5.6	Follow-up on M/R violations for systems that had levels $\geq 50\%$ MCL in last 3 years. Explain how systems that had levels at or above 50% MCL, including transient systems, will be identified and tracked.	“ “		Completed/ongoing
5.7	Follow-up on all other M/R violations.	“ “		Completed/ongoing
6	Implement and Enforce Radionuclide NPDWRs	PWSS/ Program Mgmt. Set-aside/ State	The WDNR has committed to completing all of these activities, except where noted.	
6.1	Adopt all rule changes in a timely manner (within two year extension period).	“ “		Completed/ongoing
6.2	Notify all public water systems of their regulatory requirements.	“ “		Completed/ongoing
6.3	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for radionuclides.	“ “		Completed/ongoing
6.4	Electronically report all violations and inventory updates to SDWIS/FED for all public water systems*.	“ “		Completed/ongoing
6.5	Enforce the MCLs for radionuclide NPDWRs in effect before December 7, 2000.	“ “	With permission of administration and	Completed/ongoing

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			depending on final budget constraints, the WDNR may share radionuclide enforcement with Region 5.	<i>EPA has not had to share radionuclide MCL enforcement with the WDNR because the WDNR has negotiated consent orders with each of the systems in exceedance of a radionuclide standard.</i>
6.6	Follow-up on new MCL violations.	“ “	With permission of administration and depending on final budget constraints, the WDNR may share radionuclide enforcement with Region 5.	DNR is following up on all new MCL violations
6.7	Follow-up on M/R violations that endure for ≥ 2 compliance periods.	“ “	With permission of administration and depending on final budget constraints, the WDNR may share radionuclide enforcement with Region 5.	Ongoing – DNR has had problems with a small number of systems whose violations extend beyond 2 compliance periods. We are refocusing efforts to address these systems and prevent new problems from occurring.
6.8	Follow-up on M/R violations at regulated systems with a history of gross alpha measurements > 5 pCi/L in last 3 years.	“ “	With permission of administration and depending on final budget constraints, the WDNR may share radionuclide enforcement with Region 5.	Completed/ongoing
6.9	(Follow-up on radon M/R violations at regulated systems with a history of radon detection $\geq 50\%$ of the MCL).	“ “	With permission of administration and depending on final budget constraints, the WDNR may share radionuclide enforcement with Region 5.	NA – radon regulations not promulgated
6.10	Follow-up on all other M/R violations.	“ “	With permission of administration and	DNR is following up on all M/R violations but is prioritizing follow up by addressing bacterial and

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			depending on final budget constraints, the WDNR may share radionuclide enforcement with Region 5. In the last data verification report, it was noted that there were cases when samples were collected with Gross Alpha results > 5 pCi/L, but no follow-up sampling for radium 226/228 occurred. The WDNR should ensure that all Gross Alpha detects > 5 pCi/L are followed-up with the required sampling for Ra 226/228.	nitrate M/R violations as the top priority. Other M/R violations will receive follow up as soon as possible but there are some delays. The vast majority of violations are addressed prior to systems violating for 2 or more compliance periods.
7	Implement NPDWRs for VOCs	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities.	
7.1	Notify all public water systems of their regulatory requirements.	“ “		Completed/ongoing
7.2	Maintain a data base mgmt system that accurately tracks the inventory (including routine updates of system information), and violations for VOCs.	“ “		Completed/ongoing
7.3	Electronically report all VOC M/R and MCL violations and inventory updates to SDWIS/FED for all public water systems.*]	“ “		Completed/ongoing
7.4	Follow-up on SNC MCL violations (exceedance of the short-term acceptable risk to health level)	“ “		Completed/ongoing

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	and MCL violations that occur at a PWS for > 1 year and take an appropriate course of action that ensures public health protection.			
7.5	Follow-up on all other MCL violations.	“ “		Completed/ongoing
7.6	Enforce against PWSs with M/R violations that endure for >/=2 compliance periods and M/R violations at systems that have historic results that are not reliably and consistently below the MCL.	“ “	The WDNR will follow-up on VOC violations, but are considered lower priority to microbiological, nitrate/nitrite, and radionuclide M/R violations	Ongoing, however, microbiological and nitrate M/R violations have the highest priority.
7.7	Follow-up on all other M/R violations.	“ “	<p>The WDNR will follow-up on VOC violations, but are considered lower priority to microbiological, nitrate/nitrite, and radionuclide M/R violations.</p> <p>In the last DV report, a few instances were reported where VOC M/R violations were not reported to SDWIS or required monitoring requirements were cancelled due to confusion over what's allowed under the WDNR's waiver program. The WDNR should ensure that staff are well versed in State</p>	Ongoing, however, microbiological and nitrate M/R violations have the highest priority.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			waiver requirements so that M/R violations are reported and M/R requirements are not cancelled.	
8	Implement NPDWRs for SOCs	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities after adoption, except where noted. The WDNR plans to expand monitoring waivers for PCBs and dioxin. Please provide any changes to the Phase 2/5 monitoring waiver program to Region 5 for approval and filing.	
8.1	Notify all public water systems of their regulatory requirements.	“ “		Completed/ongoing
8.2	Maintain a data base mgmt system that accurately tracks the inventory (including routine updates of system information), and violations for the SOCs.	“ “		Completed/ongoing
8.3	Electronically report all SOC violations and inventory updates to SDWIS/FED for all public water systems.*	“ “	In the last DV report, M/R violations for Phase 2/5 contaminants were found and no public notice was noted in the database. WDNR should track & report all PN violations & enter them into SDWIS.	Violations are being tracked and reported.
8.4	Follow-up on SNC MCL violations (exceedance of the short-term acceptable risk to health level) and that have an MCL violations that occur at a PWS for > 1 year and take an appropriate course of action that ensures public health protection.	“ “		No SNC violations

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
8.5	Follow-up on all other MCL violations.	“ “		Completed/ongoing
8.6	Enforce against PWSs with M/R violations that endure for >/=2 compliance periods and M/R violations at systems that have historic results that are not reliably and consistently below the MCL	“ “	The WDNR will follow-up on SOC violations, but are considered lower priority to microbiological, nitrate/nitrite, and radionuclide M/R violations	Ongoing, but chronic health related contaminant M/R violation follow-up is not the highest priority
8.7	Follow-up on all other M/R violations.	“ “	The WDNR will follow-up on SOC violations, but are considered lower priority to microbiological, nitrate/nitrite, and radionuclide M/R violations. The last DV report identified at least one failure to sample SOC as directed by waiver. The WDNR should ensure that waiver procedures are being followed.	Ongoing, but chronic health related contaminant M/R violation follow-up is not the highest priority
9	Adopt & Implement NPDWRs for IOCs (including As)	PWSS/ Program Mgmt. Set-aside / State	The WDNR commits to all activities after adoption.	
9.1	Adopt As rule changes in a timely manner (within two year extension period).	“ “		Completed/ongoing
9.2	Notify all public water systems of their regulatory requirements.	“ “		Completed/ongoing
9.3	Maintain a data base mgmt system that accurately tracks the inventory (including routine updates of	“ “		Completed/ongoing

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	system information), and violations for the IOCs.			
9.4	Electronically report all violations and inventory updates to SDWIS/FED for all public water systems*.	“ “		Completed/ongoing
9.5	Carry out enforcement against CWSs that serve drinking water that contains > 50 ppb Arsenic to ensure reductions below the current MCL.	“ “		Completed/ongoing
9.6	Follow-up on SNC MCL violations (exceedance of the short-term acceptable risk to health level) and MCL violations that occur at a PWS for > 1 year and take an appropriate course of action that ensures public health protection.	“ “		No SNC MCL violations
9.7	Follow-up on new MCL violations.	“ “		Completed/ongoing
9.8	Enforce against PWSs with M/R violations that endure for >=2 compliance periods and M/R violations at systems that have historic results that are not reliably and consistently below the MCL	“ “	The WDNR will follow-up on IOC violations, but are considered lower priority to micro-biological, nitrate/nitrite, and radionuclide M/R violations	Ongoing. Chronic health related contaminants are lower priority than acute contaminants
9.9	Follow-up on all other M/R violations.	“ “	The WDNR will follow-up on IOC violations, but are considered lower priority to microbiological, nitrate/nitrite, and radionuclide M/R violations	Ongoing. Chronic health related contaminants are lower priority than acute contaminants
10	Adopt & Implement the D/DBPRs	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
10.1	Adopt all rule changes in a timely manner (within two year extension period).	“ “		<i>EPA intends to approve WDNR program revisions that include the Stage 1 D/DBPR in the 4th qtr of 2004.</i>
10.2	Notify all public water systems of their regulatory requirements.	“ “		Completed/ongoing
10.3	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the D/DBP rule.	“ “		Completed/ongoing
10.4	Electronically report all violations and inventory updates to SDWIS/FED for all public water systems*.	“ “		Completed/ongoing
10.5	Follow-up on chlorine dioxide MRDL violations.	“ “		None
10.6	Follow-up on all other MCL/MRDL violations.	“ “		Completed/ongoing
10.7	Ensure that Subpart H systems using conventional filtration operate in compliance with the DBP precursor control treatment technique requirements.	“ “		Ongoing
10.8	Follow-up on all M/R violations.	“ “		Ongoing
10.9	Determine which systems do not qualify for reduced monitoring and inform them they must return to the routine monitoring frequency.	“ “		Completed/ongoing
10.10	Follow-up on all other reporting requirement violations.	“ “		Ongoing
11	Implement the Lead & Copper Rule	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities.	<i>Region 5 would like to thank the WDNR for providing documentation about rule implementation during the period of intensive questioning after the Washington D.C. lead incident.</i>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
11.1	Adopt LCR minor revisions in a timely manner (within two year extension period).	“ “		Completed/ongoing
11.2	Notify all public water systems of their regulatory requirements.	“ “	The WDNR should examine schools and office sampling plans, to ensure they are not exempting water coolers from sampling under the incorrect assumption that they are being monitored under the LCCA.	Completed/ongoing
11.3	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for the Lead and Copper Rule.	“ “		Completed/ongoing
11.4	Electronically report all violations and inventory updates to SDWIS/FED for all public water systems*.	“ “	<p>The last DV report noted the following discrepancies: Sampling fewer than the minimum number of 5 samples. The WDNR should make all PWSs collect a minimum of 5 samples. Failure to complete one or more follow-up actions to an action level exceedance correctly. The WDNR should make sure that follow-up actions are completed in a timely manner and report violations when this is not done. Some action level</p>	<p>In the past, systems with fewer than 5 valid sampling locations were required to sample only the valid sampling sites. In the future we will make them resample the same sites repeatedly</p> <p>We have corrected all reporting problems that we are aware of.</p> <p><i>The FY 2003 EV noted the following LCR discrepancies:</i></p> <p><i>6 violations where no PN was received; 3 instances where violations were returned to compliance (SOX code) but no PNs were received.</i></p> <p><i>In two cases, WDNR took nearly 2 years after a violation to issue an NOV.</i></p> <p><i>There were 3 instances where violations in</i></p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			<p>exceedances were not reported to EPA. Please ensure that they always are.</p> <p>Reporting the wrong violation code in SDWIS. This problem has already been corrected. The DV team recommends that LCR violations should be maintained in the database, reported to SDWIS, and resolved with an SOX code, rather than canceled or rescinded</p>	<p><i>WDNR's database did not match data in SDWIS. For one system, WDNR's database shows a NOV issued, a BCA signed and compliance achieved but SDWIS does not show any enforcement taken by WDNR nor any compliance by the system.</i></p> <p><i>For one system, WDNR's hard copy file showed an NOV issued which mentions a lead exceedance. WDNR's database and SDWIS did not show this exceedance. The data in the NOV letter should match what is in WDNRs database.</i></p> <p><i>SDWIS-Fed should accurately reflect what is in the WDNR database. EPA recommends that WDNR ensure follow-up for any outstanding exceedances or violations.</i></p>
11.5	Designate OCCT and follow-up on OCCT installation violations at all required CWSs.	“ “		Completed/ongoing
11.6	Designate OCCT and follow-up on OCCT violations at all NTNCWSs that likely serve water to sensitive subpopulations (ie: schools, daycares). Explain how schools and day care M/R violators will be identified and tracked.	“ “		Completed/ongoing
11.7	Follow-up on SNC M/R violations when lead was detected >5 ppb at 90 th percentile in the last round of initial tap sampling conducted. Explain how these systems will be identified and tracked.	“ “		
11.8	Follow-upon all SNC M/R violations.	“ “		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
11.9	Follow-up on all other M/R violations when lead was detected > 5 ppb at 90 th percentile in last round of reduced sampling conducted. Explain how schools and day cares M/R violators will be identified and tracked.	“ “		
11.10	Optimize corrosion control at NTNCWSs that are unlikely to serve water to sensitive sub-populations.	“ “		Completed/ongoing
11.11	Set water quality parameter ranges for all PWSs that are required to optimize corrosion control.	“ “		Completed/ongoing
11.12	Incorporate minor rule revisions into state oversight and enforcement operations.	“ “		Completed/ongoing
12	Implement the Sodium NPDWR	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities.	
12.1	Notify all public water systems of their regulatory requirements.	“ “		Completed/ongoing
12.2	Maintain a data base management system that accurately tracks the inventory (including routine updates of system information), and violations for sodium M/Rs.	“ “		Completed/ongoing
12.3	Notify appropriate local and State health departments of the sodium levels in CWS drinking water.	“ “		Completed/ongoing
12.4	Follow-up on M/R violations.	“ “		Ongoing, but lower priority than acute contaminant M/R violations
13	Implement the PN Rule	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities, except where noted.	
13.1	Notify all public water systems of their public notification requirements.	“ “		Completed/ongoing

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
13.2	Maintain a data base management system that accurately tracks PN violations.	“ “		Completed/ongoing
13.3	Electronically report all public notification violations to SDWIS/FED*.	“ “		<p>Completed/ongoing</p> <p><i>The FY 2003 EV noted 31 violations where PNs were not received from systems and no PN violations were entered into SDWIS for any of the PNs not received. Out of the 31 violations 21 of those violations were returned to compliance (SOX code) in SDWIS without receiving any PNs for those violations. Fourteen of the violations, where no PN was received, were for TCR M/R, 1 was for TCR MCL, 9 were for nitrate M/R, 6 were for lead and copper M/R, and 1 was for VOC M/R. Ensure that all PN violations are reported to SDWIS.</i></p>
13.4	Follow-up on all Tier 1 violations.	“ “		<p>Completed/ongoing</p> <p><i>The FY 2003 EV showed 1 TCR MCL PN discrepancy where a PN was not received and the violation was returned to compliance. Ensure that public water systems issue Tier 1 PN or WDNR should issue the Tier 1 PN.</i></p> <p><i>The FY 2003 EV also noted that WDNR's Compliance Strategy stated that if a major violation, which may have immediate public health ramifications is noted, then one of the steps includes immediately issuing a public notification if the situation warrants it. However, there is no information in the WDNR's Compliance strategy's enforcement flow charts for what WDNR should do when a PN is not received from a public water system. EPA recommends that the WDNR's compliance strategy and the enforcement flow</i></p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
				<i>charts be updated to include instructions for what WDNR should do when any PN is not received from a public water system.</i>
13.5	Follow-up on all Tier 2 violations.	“ “		Completed/ongoing <i>EPA recommends that the WDNR's compliance strategy and the enforcement flow charts be updated to include instructions for what WDNR should do when any PN is not received from a public water system.</i>
13.6	Follow-up on all Tier 3 violations.	“ “	The WDNR will report but not enforce Tier 3 violations. The last data verification report noted some instances where M/R violations returned to compliance, but there was no evidence that public notice was issued.	In general we are tracking but not enforcing against tier 3 PN violations. We are reporting to USEPA <i>The FY 2003 EV noted 30 violations where Tier 3 PNs were not received from public water systems.</i>
14	Implement the CCR Rule	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities, except where noted.	<i>EPA intends to approve WDNR program revisions that include the CCR in the 4th qtr of 2004.</i>
14.1	Notify all regulated water systems of their CCR requirements.	“ “		Completed/ongoing
14.2	Maintain a data base management system that accurately tracks CCR violations.	“ “		Completed/ongoing
14.3	Electronically report all CCR violations to SDWIS/FED*.	“ “		Completed/ongoing
14.4	Enforce the rule when the water system never issued a CCR or has not issued one for > 2 years.	“ “	The WDNR will report but not enforce CCR violations for non-municipal water systems	Completed/ongoing – we have shared enforcement of this goal w/EPA for the past 3 years

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
14.5	Enforce the rule when the water system has not issued a CCR in last 2 years.	“ “	The WDNR will report but not enforce CCR violations for non-municipal water systems. WDNR will share these violations with EPA Region 5 for assistance with enforcement.	Completed/ongoing – we have shared enforcement of this goal w/EPA for the past 3 years
14.6	Enforce the rule when the water system did not issue a CCR for the previous year, or issued one with insufficient content.	“ “	The WDNR will report but not enforce CCR violations for non-municipal water systems. WDNR will share these violations with EPA Region 5 for assistance with enforcement.	Completed/ongoing – we have shared enforcement of this goal w/EPA for the past 3 years
15	New Inventory Reporting Requirements	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to report all mandatory information.	<i>The FY 2003 EV found 5 instances where the data in WDNR's records did not match the data in SDWIS. Three of the systems had name changes and 2 had population changes in the WDNR's records not yet changed in SDWIS.</i>
15.1	Make programming changes to meet changes to reporting requirements, including the new inventory requirements effective in FY 2000.	“ “		Completed/ongoing <i>Reminder: SDWIS modernization must be complete by September 30, 2005.</i>
16	Prepare & Submit the Annual Compliance Report (ACR)	PWSS/ Program Mgmt. Set-aside/ State	The WDNR plans to minimize the size and complexity of the ACR to the maximum extent possible. They will use EPA's frozen data to do the report so that there are no data differences.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
16.1	Prepare and submit an ACR. Provide a summary of the number and % of systems (by system type) in compliance with monitoring requirements, by rule, as part of this report. Review and provide input to ACR data verification reports sent by the Region or USEPA Headquarters.	“ “		Completed/ongoing
17	Variances and Exemptions	PWSS/ Program Mgmt. Set-aside/ State		
17.1	Follow all Federal variance and exemption requirements when allowed in Wisconsin	“ “		We do not allow variances and exemptions
18	Operator Certification Program	Program Mgmt. Set-aside/ State	The WDNR commits to all activities	
18.1	Annually provide documentation to EPA showing the ongoing implementation of the Operator Certification Program to avoid 20% withholding of the DWSRF capitalization grant. Due Date – September 30, 2003	“ “		WDNR submitted an annual report to EPA on July 16, 2003.
18.2	Certify surface water system operators.	“ “		Ongoing – expect all NN/OC systems to have certified operators by March 2005 All surface water systems are municipalities and each has a certified operator managing their water system. All surface water system operators have exam opportunities twice per year at 6 different locations.
18.3	Certify operators at systems with a history of violations.	“ “		Ongoing All systems with histories of violation have multiple operator certification exam opportunities.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
18.4	Provide training for community and non-community operators that have never been certified.	“ “		<p>Ongoing – contracted training through March 2005, provisions for continuing training program after that date</p> <p>A 3-hour course is offered free of charge to other-than-municipal community water system (OTMCWS) and non-transient non-community water system (NTNCWS) operators just prior to taking the certification exam. Twenty training courses were offered between July 1, 2003 and June 30, 2004 at various locations throughout the state. Study guides are the only training method provided to municipal community water systems (MCWS) operators that have never been certified.</p>
18.5	Certify CWS operators that have never been certified before.	“ “		<p>Ongoing</p> <p>OTMCWS operators are successfully being certified prior to the March 31, 2005. Twenty exams were offered between July 1, 2003 and June 30, 2004 at various locations throughout the state. As of June 30, 2004, less than 20% of OTMCWS are without a certified operator with 8 months left before the operator certification deadline. All new MCWS operators have exam opportunities twice per year at 6 different locations.</p>
18.6	Certify NTNCWS operators that have never been certified before.	“ “		<p>Ongoing</p> <p>NTNCWS operators are successfully being certified prior to the March 31, 2005. Twenty exams were offered between July 1, 2003 and June 30, 2004 at various locations throughout the state. As of June 30, 2004, less than 20% of OTMCWS are without a certified operator with 8 months left before the operator certification</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
				deadline.
18.7	Renew certification of previously certified operators.	“ “		Ongoing Certification is currently renewed for MCWS operators through the requirement of 18 hours of continuing education credits (CEC) every 3 years. Renewal period for NTNCWS and OTMCWS operators will begin after the operator certification deadline of March 31, 2005. Required is a renewal fee and 6 hours of CECs every 3 years.
19	Capacity Development Program	Program Mgmt. Set-aside	The WDNR commits to all activities EPA is concerned about the inability of the WDNR to maintain a Capacity Development Coordinator to maintain program continuity.	
19.1	Annually provide documentation to EPA showing the ongoing implementation of both the new systems program and the existing systems strategy to avoid 20% withholding of the DWSRF capitalization grant. Due Date - September 30	“ “		Completed. EPA Region V letter of acceptance dated 6/7/04
19.2	Submit to EPA a list of CWSs & NTNCWSs that have a history of significant non-compliance and the reasons for noncompliance [SDWA, Section 1420(b)(1)]. Due Date - July 15, 2006	“ “		Not due until 7/06

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
19.3	Submit a report to the Governor on the efficacy and progress toward improving the capacity of water systems in Wisconsin. Due Date: October 1, 2005			Not due until 10/05
20	Source Water Assessment Program	Wellhead Protection Set-aside	The WDNR commits to all activities	
20.1	Conduct source water assessments according to the methodology defined in the State Source Water Assessment Program (SWAP) and approved modifications.	“ “		Continued to conduct source water assessments according to approved SWAP plan and assessment delivery plan revised to reflect system security concerns. Assessments are completed for approximately 95% of community systems and approximately 60% of noncommunity systems. WDNR responded to several EPA requests for assessment completion status. Region 5 held a meeting with WDNR in August 2003. WDNR estimates that all source water assessments will be completed by December 31, 2004.
20.2	Report the percentage of assessments completed.	“ “	100% completed by December 31, 2004.	Reported progress using SWAP/WHP tracking matrix in October 2003 and informally in June 2004
20.3	Report the percentage of population served by CWSs with protection programs in place.	“ “	100% by December 31, 2004.	Reported progress using SWAP/WHP tracking matrix in October 2003.
21	Manage the DWSRF	DWSRF Admin Set-aside	The WDNR commits to all activities	
21.1	Ensure State submits a capitalization grant application annually, in order to receive a capitalization grant. Submit grant application by Aug 1 st	“ “		Application was submitted June 3, 2004.
21.2	Complete 2003 Drinking Water Infrastructure Needs Survey Report	“ “		All 96 surveys were completed and submitted to CADMUS by Nov 2003.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
21.3	Submit Intended Use Plans, Project Priority Lists, and fundable list of projects each year.	“ “		IUP submitted in May 2004. Project Priority List submitted in March 2004 Fundable list will be sent after the final grant award is made.
21.4	Submit workplans for each set-aside activity authorized in WI that meet minimum content requirements. The State will provide a separate annual progress report for the Wellhead Protection, Source Water Assessment, Technical Assistance, Capacity Development & Operator Certification Set-asides, in the form of the State's annual DWSRF report.	“ “		The set-aside workplans are in the process of being completed. The DWSRF Report was completed September 2003.
22	Implement the UCMR	PWSS/ Program Mgmt. Set-aside/ State	The WDNR commits to all activities	<i>Region 5 thanks WDNR's Carol McCurry for obtaining written commitments from systems in WI which failed to perform monitoring under the UCMR, thereby avoiding the need for the Region to take enforcement against those systems.</i>
22.1	Implement all activities as per Partnership Agreement	“ “		See above self evaluation comments.

* Also, report when violations return to compliance; and, as requested in Region 5's quarterly letter transmitting the most recent list of unaddressed significant noncompliers (SNCs), report, as part of your next regular quarterly SDWIS/FED data submission, when the State took formal enforcement actions, or deactivated these systems, and correct any data errors that made systems SNCs.

Drinking Water and Groundwater – QMP

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
23	Complete review of the program's part of the WDNR QMP and identify areas that need to be revised by 6/30 2005. Note - Revisions will be accomplish in the 2005 – 07 EnPPA.		Review completed and problem areas identified.	Discussions with EPA regarding Wisconsin's QMPP program are on-going.

Drinking Water and Groundwater – 106 Groundwater

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1	Groundwater (gw) Coordination.	106 Groundwater/state		
1a	Facilitate the meetings of the GCC and its subcommittees.		Report Annually to the legislature by August 31 st .	Report to legislature completed in August of 2003. Quarterly meetings held for GCC. The five subcommittees met about two times per year per subcommittee.
1b	Review and comment on proposed federal groundwater quality initiatives.			Reviewed various federal proposals that relate to groundwater. Commented several times on SWAP implementation verbiage
1c	Review gw quality impacts within WI and develop gw quality standards (NR 140).		Propose standards as needed.	No new standard setting process began during this time period. But two Health Advisory Levels (HALs) were requested. One for Isopropanol and another for Aluminum.
1d	Assess and evaluate all current potential gw contaminants on the gw list.		Review & consolidate occurrence data.	Ongoing
1e	Coordinate inter and intra-agency gw quality standard setting and implementation process.		Proceed with cycle 8.	A standard for Alachlor ESA has been proposed and has been taken through the public hearing process. We are waiting on the DHFS for their toxicological review of additional data submitted.
1f	Participate in the development of gw quantity legislation.		Help coordinate various factions and their proposed legislative verbiage.	Assisted in pulling together data on springs, use, ORWs and ERWs for the committee developing the groundwater quantity legislation. The legislation was passed.
1g	Allocate sufficient hours to support the needs for gw related activities related to other program needs.		Coordinate with RR, WA, WT programs & participate on teams to provide consistency.	Participated on the RR teams & Menomonie Valley work, WA variance review requests, and WT deep tunnel monitoring work.
2	Groundwater Data Management.	106 Groundwater/state		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
2a	Provide access to SLOH processed data to other State agencies.		Continue to provide data complete information in a useable format.	Provide data to DATCP, DOT, WGNHS, CWGC staff on an ongoing basis. Provide data to others as requested.
2b	Provide QA/QC check on gw data.			Ongoing.
2c	Continue to evolve/improve the GRN system.		Evolve GRN and EQ sample point table to meet new agency stds.	Needs assessment, prioritization, and scoping of project completed. We are on schedule to complete the work.
2d	Improve geolocational parameters on potential pollution sources & wells.		Continue to update GIS layers as more accurate/complete data arrives.	Ongoing. The layer continues to improve as SWAP work continues.
2e	Evolve guidance on GPS use & capture, as needed.			Data dictionary needed one slight modification.
2f	Evolve consistent guidance on potential contaminant capture & evaluation.			Continued to work with field staff on consistency issues.
3	Groundwater Monitoring.	106 Groundwater/state		
3a	Monitor Ambient Water Quality and Assess Special needs Monitoring.		Complete 2 "status of the resource" vignettes by mid 2004.	We are behind schedule on this work. Should complete in spring of 2005.
3b	Develop/evolve groundwater monitoring strategy.		Strategy report complete by mid 2004.	Draft final verbiage has been completed. It is now being circulated for final comment.
3c	Coordinate intra-agency solicitation for research/monitoring on special needs monitoring.		Complete by June 30, 2004.	Joint solicitation completed on schedule.
3d	Manage research/monitoring projects.		Continue to manage projects, as funded.	Projects progressing on schedule.
4	Wellhead Protection.	106 Groundwater/state		
4a	Meet SDWA WHP requirements.		Produce WHP reporting document	Submitted Source Water Assessment and Protection Reporting Measures to EPA October 30, 2003. Submitted estimated number of completed Source Water Assessments to EPA May 11, 2004.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
				Submitted Drinking Water State Revolving Fund Intended Use Plan to EPA in May, 2004.
4b	Implement approved WHP program.		Continue to track implementation, & provide feedback on WHP ordinances.	Provided information and assistance to communities regarding wellhead protection. Tracked implementation through Bureau's Drinking Water System.
4c	Continue to provide outreach on WHP.		Produce and distribute WHP newsletter.	Fall 2003 newsletter distributed early October 2003. Spring 2004 newsletter distributed early April 2004.
4d	Meet with communities interested in implementing WHP.		Report the number and percentage of municipal CWSs who received a hand-delivered copy of their SWA, and at the same time were given an opportunity to discuss wellhead protection planning and implementation with WDNR staff.	We have met with 90% of the municipal system operators while delivering their SWA to discuss implementing WHP.
4e	Evolve WHP & SWAP to SWP.			All wellhead protection and source water assessment activities are funded through the wellhead protection setaside. Regional staff completed and delivered municipal assessments in state fiscal year 2004. Staff will complete all assessments by December 31, 2004. Focus is shifting to offering assistance with protection efforts.
4f	Revise web-based information for easier access to citizens and water purveyors.		Revise web to meet new agency standards by spring of 2004.	Converting to agency standards has taken longer than projected. The majority of web pages have been converted with the other taken off line until standards can be achieved.
5	Monitoring Well Construction Regulation.	106 Groundwater/state		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
5a	Provide a QA/QC standard for providing consistent gw quality samples from monitoring wells.			Groundwater Sampling Field Manual and Desk Reference continue to be reviewed for additions or improvements. Passive Gas Samplers initial evaluation conducted. There were no conclusive determinations made.
5b	Continue to be the central hub for information related to the development, construction, and abandonment of monitoring wells.		Respond to all calls and requests for information.	Responded to 2-3 calls per week. Provided information to Ontario Department of the Environment on setting up/evolving their monitoring well requirements.
5c	Provide training on the methodologies for monitoring well construction.		Complete WCR regional training mid 2004.	WCR staff determined that due to their budget constraints this training opportunity would not occur.
5d	Monitor evolving federal regulation/guidance on monitoring well installation.			Limited material to review during this time period. Will continue to review information as it becomes available.
6	Groundwater Information & Education.	106 Groundwater/state		
6a	Provide public sessions on WHP/SWP, GW quality standards, and general information on gw.			Provided presentations as requested.
6b	Provide staff resources to other Bureaus and Divisions on gw resource issues.		Coordinate with RR, WA, WT, forestry, lands programs. Review documents & participate on their teams.	Participated on the RR teams & Menomonie Valley work, WA variance request reviews, and WT deep tunnel work.
6c	Participate in the Education Telephone Network (ETN) conference calls.		Quarterly calls.	Participated in the quarterly calls.
6d	Train teachers on use of gw sand tank model.		3 sessions including approximately 50 teachers, spring of 04.	Three workshops were conducted at 3 different locations giving away 24 sand tank models to the 43 teachers who attended.
7	Keep staff technologically current.	106 Groundwater/state		
7a	Participate in national meetings on topics which are relevant to the state's gw program.			Participated in the FSTRAC meetings via teleconference.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
7b	Participate EPA sponsored events related to various federally driven gw requirements.			Participated at EPA Region V Sandusky Ohio WHP meeting and December meeting in Chicago.
7c	Participate in inter and intra-state meetings relevant to common gw issues.			Participated in several meetings on arsenic, diaminoatrazine, and water quantity.
7d	Complete tasks which are needed to implement gw program.			Managed staff, met reporting requirements for various funding sources, networked with other state agencies, universities staff, and external partners.

Drinking Water and Groundwater – Underground Injection Control

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1	UNDERGROUND INJECTION CONTROL (UIC) ASSESSMENT ACTIVITIES: Conduct inspections of municipal storm water drainage wells and other facilities identified as having motor vehicle waste fluid disposal wells.	UIC Grant GPR SEG-GW	WDNR will conduct a routine inspection of 40 injection wells annually.	During federal Fiscal Year (FFY) 2003, WDNR completed 60 routine inspections of storm water drainage wells. WDNR expects to complete an additional 40 storm water drainage well inspections by the end of FFY 2004.
2	UIC INVENTORY ACTIVITIES: Review and evaluate information on potential sources of drinking water contamination obtained through the Source Water Assessment program and maintain an inventory of any injection wells that are found.	UIC Grant GPR SEG-GW	Annually, WDNR will report the class, type, and number of injection wells maintained in the state injection well inventory to EPA Region 5 within ten (10) days of the end of the calendar year.	WDNR reported the class, type and number of injection wells maintained in the state inventory to EPA Region 5 on 01/09/2004.
3	UIC REGULATORY ACTIVITIES: Develop and maintain MOUs with other state agencies or regulatory programs that share authority for overseeing activities that are subject to UIC regulations; review applications seeking authorization to use injection wells for beneficial purposes such as soil or groundwater remediation, aquifer storage recovery, subsidence control, or scientific studies related to the groundwater resources of Wisconsin; disseminate information to state and local agencies or the general public regarding the ban on large-capacity cesspools and motor vehicle waste fluid disposal wells; and gather additional information on other injection practices that may be occurring within the state.	UIC Grant GPR SEG-GW	WDNR will provide copies of all UIC-related MOUs to EPA Region 5 during the UIC program primacy agreement revision process. State administrative rules have prohibited the use of cesspools since 1980. As it specifically applies to large-capacity cesspools, WDNR will continue to work with the Wisconsin Department of Commerce to enforce this prohibition. If a drain is to be installed to receive wastewater	The federal/state UIC program primacy agreement revision process has been delayed. WDNR has proposed making changes to the state injection well rule package to address the concerns of state legislators prior to final promulgation of the rules. WDNR hopes to receive authorization to proceed with rule promulgation by the middle of August 2004. The primacy revision process will follow in FFY 2005. Region 5 assisted the WDNR by reviewing proposed language changes and by addressing impacts of the Class V Rule at the Decentralized Wastewater Management Forum held in Chicago on June 8-9, 2004. The Forum was attended by representatives of the Wisconsin Department of Commerce, who Region 5 staff also met with separately to address their concerns.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			<p>from any floor area on which a motorized vehicle can be driven, state regulations require that any drain installed in an area where vehicles will be serviced shall discharge through a catch basin or oil interceptor that is connected to a municipal sewer or holding tank approved to receive industrial wastewater. WDNR will work with the Wisconsin Department of Commerce to ensure that this requirement is applied statewide.</p> <p>During the period covered by this agreement, WDNR will also develop and disseminate outreach materials to facilities that may have older non-complying plumbing systems. State inspection and enforcement activities conducted to ensure that all existing motor vehicle waste disposal wells are either closed or converted in accordance with federal</p>	<p>Wisconsin has prohibited the use of cesspools for almost 25 years. No cesspools are listed on the state injection well inventory; however, the Wisconsin Department of Commerce and WDNR will immediately work to close any cesspools that may be encountered in the future.</p> <p>WDNR and the Wisconsin Department of Commerce continue to work together to ensure that no new motor vehicle waste fluid disposal wells are constructed.</p> <p>WDNR is awaiting adoption of the new state UIC-related administrative rules and plans to enforce closure or conversion of any existing motor vehicle waste fluid wells on a statewide basis once the new administrative rules take effect.</p> <p>WDNR has revised the UIC-related pages of the Department's website to include information on the Class V injection well regulatory requirements. Delineation of source water assessment areas for public water systems and vulnerability assessments for public water systems should be completed according to schedule.</p> <p>WDNR will place priority on the inspection and enforcement of Class V injection well regulations in source water assessment areas; however this effort will continue to be severely hampered by the ongoing shortage of federal or state funding for additional field inspection staff.</p> <p>WDNR has provided quarterly STARS reports and mid-year and end-of-year reports to EPA Region 5 as specified in the annual approved state UIC work</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			<p>law will focus first on facilities located in source water assessment areas delineated for public water systems.</p> <p>WDNR will provide information on Class V rule implementation and other UIC activities identified in the annual state UIC workplan as part of the mid-year and end-of-year reports submitted to EPA Region 5.</p>	<p>plan.</p> <p>Region 5 worked closely with the WDNR in assessing the potential risk posed by aquifer storage and recovery (ASR) wells which were being pilot tested in Green Bay and Oak Creek. The Region provided written and verbal advice to the WDNR on national program requirements and proposed monitoring schemes for the Green Bay site. This helped the state develop criteria to safeguard drinking water supplies; this ultimately led to the decision by Green Bay to terminate the project. Region 5 and state representatives also jointly participated in the ASR IV seminar in Florida to present the findings of the Wisconsin projects and to gain a better understanding of the concerns which have arisen at the many ASR sites in Florida and around the country. This information has helped in developing joint approaches on problems like arsenic and trihalomethanes.</p>
4	UIC ADMINISTRATIVE ACTIVITIES: Review and revise state administrative rules pertaining to the UIC program; prepare quarterly Financial Status Reports; complete annual state UIC grant application; and maintain state-federal UIC primacy documents.	UIC Grant GPR SEG-GW	<p>Annually, WDNR will submit the annual UIC grant application to EPA Region 5 by the September 1 application deadline.</p> <p>WDNR will submit Financial Status Reports and completed 7520 forms to EPA Region 5 on a quarterly basis.</p> <p>WDNR and EPA Region</p>	<p>The state UIC work plan and Application for Federal Assistance for FFY 2004 was submitted to EPA Region 5 on July 24, 2003.</p> <p>The final Financial Status Report (FSR) for FFY 2003 was submitted to EPA Region 5 on 11/20/2003. The latest quarterly FSR for FFY 2004 was submitted on 03/31/2004.</p> <p>Due to the delay in the promulgation of state administrative rules, WDNR and EPA Region 5</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			<p>5 will establish a timeline for the approval of a revised state-federal UIC program primacy agreement.</p> <p>EPA Region 5 will conduct an audit of WDNR's UIC program once every three years (last audit completed in 2002, next audit in 2005).</p>	<p>will establish a revised timeline for the primacy revision process during FFY 2005.</p> <p>Region 5 and WDNR staff have jointly participated in the UIC National Measures and Class V efforts through the Ground Water Protection Council. These groups have been established by EPA Headquarters to assist in setting national performance expectations and reporting requirements. Through this process, we have assured that Wisconsin's needs and priorities are taken into consideration.</p>
5	UIC PROGRAM INTEGRATION ACTIVITIES: Participate on WDNR teams dealing with environmental remediation, storm water management, source water assessment and protection, wastewater management, and waste minimization/pollution prevention.	UIC Grant GPR SEG-GW	WDNR will report on UIC program integration activities as part of the mid-year and end-of-year reports submitted to EPA Region 5.	WDNR has submitted quarterly STARS reports and mid-year and end-of-year reports to EPA Region 5 in a timely manner and in compliance with the deadlines specified in the approved annual state UIC program plan.
6	UIC ENFORCEMENT ACTIVITIES: Oversee closure of unauthorized or otherwise illegal injection wells; review well closure plans and other documents submitted to the Department as part of the well abandonment process; conduct field investigations in response to staff reports of groundwater/ drinking water contamination events or citizen complaints; and provide information to the regulated community regarding well maintenance and closure requirements.	UIC Grant GPR SEG-GW	WDNR will report the number of injection wells closed, the number of injection wells with violations, and the number of injection wells with significant violations to EPA Region 5 on a quarterly basis via the 7520 form submittal process.	WDNR has reported as required. No significant violations were identified.
7	GENERAL ADMINISTRATIVE ACTIVITIES: Tasks that support the development and administration of the state UIC program but which are not specifically assignable to a UIC-related time code: personnel management,	UIC Grant GPR SEG-GW	WDNR will participate in local, state, regional, and national meetings related to the protection of drinking water sources	WDNR continues to participate in local, state, regional, and national meetings; however participation in regional and national meetings have been by remote methods (i.e. telephone link or video conference) as a result of travel

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	specialized skill training & professional development, or division and bureau work planning.		and groundwater resources.	restrictions that have been imposed to address state budget constraints. Region 5 has kept state staff informed as to results of national meetings that the state was unable to attend.

E. Remediation and Redevelopment

Note that the following chart includes the Superfund program self-assessment for January – June 2004. Superfund self-assessments are completed twice a year. The RCRA Corrective Action self-assessment for FY 2004 has been completed in memo form and is available upon request from Dick Kalnicky or Mark Gordon. LUST program self-assessments are completed twice a year through a STARS electronic exchange format and are available upon request from Dick Kalnicky or Mark Gordon.

#	WDNR and/or Region 5 Activity	Funding Source(s)	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1	WDNR conducts Long Term Remedial Action activities at the Better Brite State Lead Superfund site.	Superfund Better Brite CA/State	Review semi-annual groundwater monitoring data; review pretreatment data.	Groundwater monitoring data from May 2004 will be shortly submitted to State project manager. If good results, may switch from semiannual monitoring to annual monitoring. Pretreatment process continues to work very well.
2	WDNR provides support to EPA on EPA Lead Ashland NSP/Lakefront Superfund site toward completion of the ROD.	Superfund Ashland NSP/Lakefront CA	Complete ROD	Site-specific Superfund Memorandum of Agreement (SMOA) between WDNR and EPA Region 5 was signed. The SMOA defines WDNR responsibilities as the public involvement lead agency and the RI/FS support agency. In May 2004 WDNR submitted an amendment request for the Ashland CA which would cover WDNR SMOA activities for April 2004 to March 2006. More specific information on WDNR's activities can be found in its Ashland/NSP quarterly narratives for January – March 2004 and April – June 2004.
3	WDNR conducts Long Term Remedial Action activities at the Onalaska Municipal Landfill State Lead Superfund site.	Superfund Multisite Support CA/State	Manage monitoring and operation and maintenance activities per the Onalaska Municipal Landfill Superfund State Contract.	The original WDNR managed two-year long-term monitoring and system maintenance contract is nearing completion. This contract was 50% cost shared with EPA through the Superfund Multisite Support CA. A one-year extension to this contract, fully paid by WDNR, is in the development stages. State lead project manager changed from Dave Carper to Eileen Kramer in June 2004.

#	WDNR and/or Region 5 Activity	Funding Source(s)	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
4	WDNR conducts and completes degree and extent and capture zone site investigation for the Oconomowoc Electroplating, Inc. Superfund site.	Superfund Multisite Support CA/State	Complete site investigation to determine degree and extent of capture zone.	State lead site investigation was completed in early 2004 and final payment on the contract was made in March 2004. EPA is taking the lead in evaluating the results to determine what changes to system maintenance and/or long term monitoring are needed. WDNR's interest is to effectively maintain and monitor the system, yet reduce costs considerably from current levels before WDNR assumes full responsibility for the site several years from now.
5	WDNR provides support to EPA on EPA Lead Superfund sites. WDNR completes the following 5 Year Reviews: Algoma, Mid-State, Scrap Processing. EPA completes the following 5 Year Review: Fadrowski.	Superfund Multisite Support CA/State	Sites proceed through RI/FS, RD, RA and LTRA/PCRA phases. Five Year Reviews are completed as follows: Fadrowski 9/30/03, Algoma 6/1/04, Mid-State 6/30/04, Scrap Processing 6/30/04.	WDNR submitted new Multisite Support CA applications for all phases in May and June 2004. Current CAs are proposed to end on June 30, 2004 and new CAs begin July 1, 2004. Funding is requested for 33 sites, an increase of 6. Most of the increase is associated with moving sites off state direct billing for work, which does not give WDNR spending authority, to EPA being paid by RPs and using the payments to fund CAs, which does give WDNR spending authority. WDNR appreciates EPA's assistance in this area. In its LTRA/PCRA CA, WDNR is requesting funds to take the lead in preparing all 5-Year Reviews. During January – June 2004 WDNR completed 5-Year Reviews for Algoma Landfill, Mid-State, and Scrap Processing sites.
6	WDNR provides project management on State Lead RP financed Superfund sites. EPA completes the following 5 Year Reviews: Hechimovich, Sauk County Landfill.	RP/Cost Recovery/ State	Sites proceed through RI/FS, RD, RA and LTRA/PCRA phases. Five Year Reviews are completed as follows: Hechimovich 3/31/04, Sauk County Landfill 9/30/04.	Following agreement with EPA Region 5 in 2003, WDNR took the lead on the Hechimovich 5-Year Review, and completed that Review in May 2004.

#	WDNR and/or Region 5 Activity	Funding Source(s)	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
7	WDNR administers the Superfund program by conducting program management and program support functions.	Superfund Core CA/State	Program management and support functions provided per the annual Superfund Core CA work plan.	WDNR submitted its FY 2005 draft Core application in May 2005 based on February 2004 figures from EPA Region 5. Those figures on funds available are being revised downward. Once WDNR receives the final figures, it will submit the final FY 2005 Core application. WDNR is using whatever funds are available to work on Superfund program management, supervision, work planning, EnPPA, liaison with EPA Region 5, national issues, grants, contracts, fiscal management, technical assistance, guidance development, program outreach, and information management.
8	WDNR reports semi-annually on the number of construction completions on State Lead Superfund sites. EPA reports semi-annually on the number of construction completions on EPA Lead Superfund sites.	Superfund Core CA/State	Sites with construction completions.	There were no WDNR state lead construction completions during January to June 2004.
9	WDNR provides support to EPA in the coordination of Superfund removals. EPA conducts Superfund removals.	Superfund Site Assessment CA	Removals coordination provided per the annual Superfund Site Assessment CA work plan.	During January to June 2004, EPA and WDNR co-conducted removal assessment, enforcement work and/or removal work for 6 sites.
10	WDNR reports annually to EPA the number of final Superfund Site Assessment decisions.	Superfund Site Assessment CA	The number and type of determinations per the annual Superfund Site Assessment CA work plan.	During January to June 2004, no final decisions were formally made. However, 3 PA/SI reports, 1 site assessment report, and 1 scoring package were essentially completed during this period and are currently awaiting final comments from WDNR Central Office staff or EPA review staff.
11	WDNR Superfund program managers actively participate in twice a year face to face meetings with EPA Region 5 Superfund program managers (if WDNR's travel policy allows for participation in out-of-state meetings) and, as needed, in other	Superfund Core CA/State	Managers meet twice per year.	Four WDNR Superfund program managers participated in the Superfund End of Year Meeting at EPA Region 5 in February 2004. This meeting consisted of (1) a meeting with all the states and Region 5 to discuss topics of mutual interest and

#	WDNR and/or Region 5 Activity	Funding Source(s)	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	meetings or phone calls on program issues or project specifics.			(2) a meeting between WDNR and EPA program managers to discuss topics of specific interest.
12	WDNR administers the RCRA corrective action program to meet GPRA goals including program management, grant development, data management, reporting, etc. EPA provides assistance to WDNR upon request with GPRA goal activities (EI determinations).	Hazardous Waste CA/State	Program management and support functions provided.	See the note under Remediation and Redevelopment title on page 102.
13	WDNR tracks progress of sites in the corrective action pipeline. For state lead corrective action projects, send appropriate site progress information to the Waste Program for entry into the RCRA Info. data system.	Hazardous Waste CA/State	Site progress information provided to the Waste Program for entry into RCRA Info. data system.	See the note under Remediation and Redevelopment title on page 102.
14	WDNR provides project management and oversight for sites being addressed under the RCRA corrective action program, including EI determinations and EI form completion, sites where a release of hazardous waste to the environment has occurred, or sites that require management of media defined as hazardous waste.	Hazardous Waste CA/State	Sites proceed through investigation, evaluation and selection of remedial alternatives, implementation of remedy, and case close out.	See the note under Remediation and Redevelopment title on page 102.
15	WDNR provides assistance to EPA on federal lead RCRA corrective action sites. EPA will provide the necessary contract assistance on State Lead CA projects, as requested.	Hazardous Waste CA/State	Comments provided to EPA to ensure consistency with WDNR environmental requirements.	See the note under Remediation and Redevelopment title on page 102.
16	WDNR program manager (section chief) will actively participate in twice a year (or as needed) face to face meetings (assuming WDNR's guidelines for out-of-state travel allow) with EPA	Hazardous Waste CA/State	Managers meet or have phone calls on a quarterly frequency.	See the note under Remediation and Redevelopment title on page 102.

#	WDNR and/or Region 5 Activity	Funding Source(s)	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	Region 5 RCRA corrective action program managers, and as needed, quarterly phone calls on program issues or project specifics.			
17	WDNR will work with Local Governments and Lenders to encourage their participation in our enforcement discretion liability pilot. WDNR will track all projects where the use of enforcement discretion is applied and transmit an annual progress report to EPA Region 5.	Lender/LGU Liability Pilot CA	Annual progress report on the use of this liability pilot is provided to EPA.	See the note under Remediation and Redevelopment title on page 102.
18	Undertake corrective action at sites where groundwater or soil is affected by petroleum contamination from USTs. WDNR reports semi-annually on the total known number of LUST cleanups initiated under the jurisdiction of WDNR.* EPA reports semi-annually on the total known number of LUST cleanups initiated under federal jurisdiction on tribal lands.	LUST/State	Agencies report on the number of cleanups initiated for sites under their jurisdiction.	See the note under Remediation and Redevelopment title on page 102.
19	Complete corrective action at sites where groundwater or soil is affected by petroleum contamination from USTs. WDNR reports semi-annually on the total known number of LUST cleanups completed under the jurisdiction of WDNR.* EPA reports semi-annually on the total known number of LUST cleanups completed under federal jurisdiction on tribal lands.	LUST/State	Agencies report on the number of cleanups completed for sites under their jurisdiction.	See the note under Remediation and Redevelopment title on page 102.
20	Promote compliance with UST requirements in order to reduce the number of releases to the environment. WDNR reports semi-annually on the number of LUST releases confirmed that fall under the jurisdiction of WDNR.* EPA reports semi-annually on the number of LUST releases	LUST/State	Agencies report on the number of new releases reported for sites under their jurisdiction.	See the note under Remediation and Redevelopment title on page 102.

#	WDNR and/or Region 5 Activity	Funding Source(s)	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	under federal jurisdiction on tribal lands that were confirmed.			
21	Promote compliance with UST requirements in order to reduce the number of emergency responses. WDNR reports semi-annually on the number of LUST emergency responses that fall under the jurisdiction of WDNR.* EPA reports semi-annually on the number of LUST emergency responses under federal jurisdiction.	LUST/ State	Agencies report on the number of emergency responses for sites under their jurisdiction.	See the note under Remediation and Redevelopment title on page 102.
22	WDNR reports semi-annually the number of closures that fall under the jurisdiction of WDNR with land use restrictions.* EPA reports semi-annually the number of closures that fall under federal jurisdiction on tribal lands with land use restrictions.	LUST/ State	Agencies report on the number of closures with land use restrictions for sites under their jurisdiction.	See the note under Remediation and Redevelopment title on page 102.
23	WDNR reports semi-annually the number of enforcement cases referred to the state Attorney General and their status for sites under WDNR jurisdiction.* EPA reports semi-annually the number of enforcement cases referred to the U.S. Attorney General and their status for sites under federal jurisdiction on tribal lands.	LUST/ State	Agencies report on the number of enforcement actions referred to Justice for sites under their jurisdiction.	See the note under Remediation and Redevelopment title on page 102.
24	WDNR reports semi-annually the number of court actions initiated and completed to recover penalties for sites under WDNR jurisdiction.* EPA reports semi-annually the number of court actions initiated and completed to recover penalties for sites under federal jurisdiction on tribal lands.	LUST/ State	Agencies report on the number of court actions initiated and completed for sites under their jurisdiction.	See the note under Remediation and Redevelopment title on page 102.
25	Cost recovery will be initiated for LUST Trust Funds (LTF) expended to address abandoned	LUST/ State	Agencies report on the number of cost recovery	See the note under Remediation and Redevelopment title on page 102.

#	WDNR and/or Region 5 Activity	Funding Source(s)	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	LUST sites, or when responsible parties fail to take action at high risk sites. WDNR reports all cost recovery actions and amount of money recovered, with the date initiated and completed for LUST sites under WDNR jurisdiction.* EPA reports all cost recovery actions and amount of money recovered, with the date initiated and completed for LUST sites under federal jurisdiction on tribal lands.		actions for sites under their jurisdiction.	
26	The agencies will continue to develop policies and procedures to improve the LUST program. WDNR reports on any newly proposed state legislation or rulemaking affecting the LUST program.* EPA reports on any newly proposed federal legislation or rulemaking affecting the LUST program.	LUST/ State	Agencies report on legislation or rulemaking undertaken that may affect the LUST program.	See the note under Remediation and Redevelopment title on page 102.
27	Complete review of the program's part of the WDNR QMP and identify areas that need to be revised by 6/30/2005. Note - Revisions will be accomplish in the 2005 – 07 EnPPA.		Review completed and problem areas identified.	See the note under Remediation and Redevelopment title on page 102.

*WDNR will transmit this information to Region 5 at the same time the STARS reporting is sent to EPA Headquarters.

F. Waste Management

Program Leads

Region 5: Rich Traub and Denise Reape

WDNR: Pat Chabot and Kate Cooper

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1.	<p>Program Administration Includes preparation and submittal of grant application and workplan; submittal of import reports, Financial Status Reports, equipment inventory and hard copy reports; participation in quarterly conference calls with EPA; preparation of Self-Assessment Report and participation in evaluation meetings with EPA.</p> <p>WDNR will increase its efforts to track the status of the grant and progress on the workplan to help insure the grant commitments and program goals are met. This will be accomplished by preparing and reviewing internal quarterly reports on the numbers of inspections, enforcement actions and</p>	Hazardous Waste Mgmt Program (HWMP) / State	Keeping EPA better informed with WI programs.	<p>The FY04 grant application was submitted to EPA, and the funding was awarded. A partial award was received in December 2003 and the final award received in May 2004. The workplan was negotiated with EPA as part of the 2003-2005 Environmental Performance Partnership Agreement. FSRs were submitted on a quarterly basis. The final FSR will be submitted by early December 2004. The import/export report will be submitted to EPA by the end of August 2004. No equipment was purchased with grant funding, so no equipment report was submitted. All other reporting requirements were met.</p> <p>WDNR submitted the Self-Assessment Report to EPA for the FY03 Grant Activities. WDNR and EPA met on October 16, 2003 for the FY03 Year-end meeting. FY03 grant activities, and upcoming issues affecting the FY04 grant were discussed. Sue Bangert attended the RCRA Managers meeting in Chicago in June 2004.</p> <p>WDNR staff participated in several 'RCRA issues' conference calls with EPA and the other region 5 states. Due to workload considerations no mid-year meeting was held during FY04, however, WDNR provided mid-year summary reports to EPA that showed the progress toward meeting the grant commitments.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	<p>outreach activities conducted by region. In addition, reports and data provided by the Finance Office on staff time coded to the grant will be reviewed quarterly, and any issues or concerns will be taken to the Waste Management Team for resolution.</p> <p>Includes time spent on preparation for and participation in Hazardous Waste Team and Special Waste Team Meetings and Conference Calls.</p> <p>Includes entering data into RCRAInfo on inspections, complaints, enforcement, financial record reviews, licensing and corrective action activities, and submittal of BRS data.</p> <p>EPA Activities</p> <p><i>-EPA will provide WDNR with all relevant program</i></p>		<p>Keeping WI better informed on program and</p>	<p>WDNR continued to focus efforts on tracking HW grant spending and commitments. The Waste Management Program developed specific performance measures related to earning the grant and completing HW re-licensing and inspection work. These performance measures were tracked on a quarterly basis. Deviations from the goals were reported and follow-up actions were taken as needed.</p> <p>The Hazardous Waste Team held conference calls monthly, or as needed, to discuss issues and for program consistency. Due to funding constraints, the team held one meeting during FY04. The FY04 Kick-off training meeting for all program staff and managers was held on June 24, 2003. The Special Wastes Team held conference calls as needed during FY03.</p> <p>We continue to use RCRAInfo, entering and maintaining data for all four modules: Handler, Compliance Monitoring and Enforcement, Permitting/Closure, and Corrective Action. We continue to assign EPA ID numbers for new notifications, and update records for subsequent re-notifications. The DNR database for HW Manifest and Annual Report information continues to function well and is used frequently by staff. DNR staff also have an option to use a statewide database to track inspection information. During FY05 we are planning to pilot an effort for translation of inspection/compliance data from the DNR database to RCRAInfo using the CDX node network.</p> <p>EPA Activities</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	<p><i>and technical guidance, as it becomes available.</i></p> <ul style="list-style-type: none"> <i>-EPA will set up and participate in annual performance meetings.</i> <i>- EPA will set up and participate in quarterly (as needed) conference calls.</i> <i>-EPA will perform file audits.</i> <i>-Provide training to WDNR staff on new federal HW rules.</i> <i>-Participate as needed in WDNR training programs being developed for staff working on HW issues.</i> 		<p>technical issues.</p>	<p>EPA hosted the RCRAInfo conference for Region 5 States in Chicago on May 18 and 19, 2004. Current Guidance and future directions for hazardous waste data management were discussed. WDNR participated by phone.</p> <p>EPA and WDNR had good communication throughout the year on RCRAInfo issues.</p> <p>To date we have collected 2003 annual report data from 90% of our reporting universe (including LQGs, SQGs and TSDs). We are working on our submittal of 2003 BRS data to EPA, which is due on September 30, 2004.</p> <p>EPA Activities</p> <p>EPA continues to provide any technical and program guidance (policy and guidance documents from HQ).</p> <p>No FY 04 Mid-year meeting was held due to scheduling and workload of WDNR staff. An enforcement conference call was held in February 2004. EPA prepared a Mid- year Report for the file using RCRA Info data and input from EPA staff.</p> <p>The Enforcement File Audit was conducted in June of 2004.</p> <p>No training on new federal rules was available during FY 04.</p> <p>EPA processed Two additional Grants for</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
				hazardous waste related projects in Wisconsin during FY '04. There was \$75,000 awarded for additional work to support the Resource Conservation Challenge and \$75,000 awarded for a pilot project dealing with facility Environmental Management Systems.
2.	<p>Plan Review & Licensing: Includes plan reviews, licensing, re-licensing and plan modifications, including variances.</p> <p>We will continue re-licensing activities at facilities with expiring 10-year operating licenses and work to confirm that all facilities have approved controls in place. We expect to issue licenses at 2 facilities in FY04 and 1 facility in FY05. In addition, we intend to pursue corrective action or closure, as appropriate, at 2 facilities during FY04/05.</p> <p>HW Financial Responsibility reviews, including Financial Record Reviews.</p> <p><i>EPA Activities</i> -EPA will assist WDNR with plan review activities associated with re-licensing process at mutually agreed upon TSDs.</p>	HWMP / State	Assure that controls are in place that will prevent dangerous releases to the environment.	<p>We continue to work on re-licensing facilities whose licenses have expired. When these activities are completed, the information is entered into the RCRAInfo database. In FY04, three facility re-licenses were issued: WRR, Eau Claire; Brenntag (formerly Milsolv), Milwaukee; and Onyx Special Services, Port Washington. WDNR staff completed closure at two TSDs: Fort McCoy and PPG, Milwaukee. In addition, the Cermatics facility in Mequon was referred to the Department of Justice for violations of license conditions, including corrective action requirements. WDNR staff conducted 31 financial record reviews during FY04.</p> <p>WDNR staff exceeded the commitment of re-licensing two TSDs and completing closure at two facilities during FY04.</p> <p><u>EPA Activities</u> EPA completed permitting activities for Federal Rules not yet authorized in Wisconsin. Both permit portions were completed in concert with Wisconsin's licensing process.</p> <p><i>EPA provided assistance to WDNR upon Request.</i></p>
3.	<p>Policy Development</p> <p><u>Guidance Development</u></p>		Improvement of program	The Special Waste Team, with assistance from the Hazardous Waste Team, developed a policy and developed management standards for used

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	<p>Hazardous Waste guidance development including publications that are new guidance.</p> <p><u>Authorization/Rulemaking</u> Review new federal rules and work with EPA when drafting new State rules following the Wisconsin rulemaking process. Submit proposed rules and checklists to EPA for review prior to final adoption by Natural Resources Board. Submit final rules and checklists in a Final Authorization package to EPA. Develop authorization packages, which includes the rules, checklists, MOA or MOA addendum, Program Description or changes to the Program Description, and Attorney General's Statements (when necessary). Consider streamlining opportunities while developing authorization packages. Provide an official, updated copy of the Wisconsin Statutes and Wisconsin Administrative Code.</p> <p><u>EPA Lead Activities</u> - EPA will provide WDNR with information on Federal rules, and provide assistance to WDNR on new rule revision package, and authorization after the rules are adopted. - Provide models for AG Statements and Program description and forward to WDNR for review any streamlining initiatives used by other states. - Review and approve the Authorization Packages in a timely manner and assist WDNR with rule revision and authorization questions, as needed. - Develop Federal Register Notices announcing changes to the Wisconsin Program. Publish</p>		<p>and regulation knowledge by the regulated communities.</p> <p>WI Hazardous Waste Program will be nearly current on all authorization requirements. This will allow for appropriate flexibility and still protect the environment.</p>	<p>antifreeze management in Wisconsin. This waste was added to the list of Wisconsin-specific Universal Wastes, which we expect will encourage recycling. A fact sheet was prepared on the topic and added to the program guidance on the Waste Management Internet web page. A second hazardous waste policy decision, and program streamlining effort, was to prepare a fact sheet ("Hazardous Waste that is Used or Reused") that describes the conditional hazardous waste recycling exemptions and provides examples. This guidance was developed to assist generators determine if their wastes meet the criteria for legitimate recycling. This fact sheet was also added to the Internet web page.</p> <p>WDNR continued to focus a great deal of time and resources on completing the major rule revision process of repealing and re-creating the entire hazardous waste code begun in 2002. During FY04, the remainder of the rules were 'translated' from the federal CFR rule language into the Wisconsin rule format. After the rules were translated, staff carefully reviewed and compared the draft rule language with the comparable current rule and recorded differences between these rules on a summary table. Staff reviewed the two sets of rules and relevant state statutes, and recommended whether or not to adopt the draft rule language, keep the existing rule, or amend one or both, according to a set of specific criteria developed for this process. A "rule subteam", consisting of Sandy Miller and Kendra Kennell from Southeast Region and Pat Chabot, reviewed the staff recommendations and made revisions to the draft rules, as necessary. The draft rules were placed on</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	<p><i>public notice of the intent to authorize in at least three major newspapers in Wisconsin and provide an opportunity for public comment. Publish the Federal Register notice.</i></p> <p><i>-Continue to develop Codification Federal Register Notice to support Federal enforcement of the Wisconsin Statutes and code.</i></p>			<p>the DNR's web page to allow external input. Staff responded to comments, and made several revisions to draft rules.</p> <p>The following work remains to be completed: checking internal and external cross-references in the whole draft rule, re-review of the draft rules for errors, legal review and responding to comments from EPA and the background information/analyses required prior to requesting authorization to proceed to public hearings from DNR Board.</p> <p><i>EPA Activities</i></p> <p><i>EPA has assisted WDNR with input and recommendations throughout the revision process. In March of 2004 WDNR began to formally transmit Draft rules to EPA for comment Section by Section.. The Regions authorization team along with ORC is providing formal comments as they are received.</i></p>
4.	<p>Inspections/Compliance Assistance</p> <p><u>State Lead Activities</u></p> <p>WDNR will conduct statutorily mandated inspections at treatment, storage and disposal (TSD) facilities</p> <p>Per the OECA MOA Guidance targeted goal of inspecting 20% of the large quantity generator (LQG) universe: WDNR will conduct 50 LQG inspections (not counted as TSDs). EPA will partner with WDNR to try to complete the</p>	HWMP / State	Increase industry compliance rates and decrease pollution by improving efficiency and effectiveness of Wisconsin's compliance programs.	<p>Full compliance evaluation inspections (CEIs) were conducted at a total of 427 hazardous waste generators. WDNR staff inspected 70 large quantity generators, exceeding the targeted goal of 50 LQG inspections. Inspections were also conducted at 357 small and very small quantity generators and one hazardous waste transporter. Follow up to the initial site inspections was conducted as necessary.</p> <p>WDNR staff conducted inspections at 20 licensed hazardous waste treatment and storage facilities</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	<p>remaining 34 inspections, to meet the goal of 84 total LQG inspections. Any joint inspections conducted with EPA at LQGs will count towards WDNR's 20% goal. In addition, WDNR will continue to conduct inspections at small quantity generators and very small quantity generators.</p> <p>WDNR will continue to support EPA's Great Lakes Initiative by conducting CEI and sampling inspections at facilities located in the Great Lakes Basin. WDNR will also continue its work under EPA's Combustion Initiative by conducting inspections at incinerators and fuel blenders/marketers.</p> <p>WDNR will respond to complaints and follow-up as appropriate.</p> <p><u>Special Initiatives:</u> For FY 04, WDNR will focus inspection efforts on generators who haven't previously been inspected. The Southeast Region will also focus inspection efforts on non-notifiers, and auto-body shops and other facilities that discharge to septic systems. The region decided not to state a specific number of inspections, but instead to place emphasis on these sectors when selecting candidates for inspections. The Northern Region will inspect wood treatment facilities as a special initiative in FY04.</p> <p><u>EPA Lead Activities</u> <i>In accordance with OECA MOA Guidance EPA intends to annually conduct federal lead inspections in Wisconsin. Criteria for EPA's selection of facilities and handlers include:</i></p>			<p>(TSDs) during FY04. Land Disposal CEIs were conducted at two facilities: Kestrel Hawk Park Landfill and Omega Hills Landfill. Land Disposal Operation and Maintenance inspections were conducted at four facilities: Fort Howard Steel, Koppers, Inc., Metro Recycling and Disposal Facility and Vulcan Materials.</p> <p>As part of WDNR's commitment to the EPA Great Lakes Initiative, CEIs were conducted at 11 LQGs and at 42 SQG/VSQGs.</p> <p>WDNR staff responded to 81 citizen complaints alleging the mismanagement of hazardous waste, and took soil/water samples at five sites.</p> <p><u>Special Initiatives</u></p> <p>As special initiatives for FY04, WDNR staff chose sites not previously inspected, non-notifiers, automotive repair companies, wood treaters and generators who discharge to septic systems. Staff conducted inspections at 200 sites not previously inspected, 4 non-notifiers, 13 automotive repair companies, 6 wood treaters and at 10 generators who discharge to septic systems. We intend to evaluate the compliance rates for facilities inspected as part of these initiatives, and use the information to help us determine where to focus our inspection efforts in the future.</p> <p><u>EPA Activities</u></p> <p><i>During the Timeframe 10/01/2003-09/01/04 EPA conducted: 29 CEI inspections, 7 Multimedia inspections, and 2 Sampling inspections.</i></p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	<p><i>Statutory Mandate</i> <i>Installations managing hazardous waste in a manner that requires a permit, which are owned and/or operated by State and/or local governments.</i> <i>Treatment, storage and disposal facilities receiving CERCLA waste from off-site locations.</i> <i>Facilities handling hazardous waste on Tribal lands.</i> <i>Requests from WDNR.</i></p> <p><i>Federal facilities:</i></p> <ul style="list-style-type: none"> <i>-Facilities subject to open Federal enforcement, judicial and/or administrative decrees/orders;</i> <i>-Treatment, storage and disposal facilities subject to RCRA permit conditions issued, administered and enforced by EPA;</i> <p><i>Facilities handling waste in EPA's national and/or Regional priority sectors, such as:</i></p> <ul style="list-style-type: none"> <i>-Wood Treaters</i> <i>-Non-ferrous Foundries(brass and bronze)</i> <i>-Facilities that generate PBTs - lead and naphthalene</i> <i>-Permit Evaders</i> <p><u>Joint Inspections</u> WDNR will annually conduct joint CEI inspections with EPA, based on the following process:</p> <p>Joint inspections will be conducted as either dual-lead or State-lead inspections. WDNR staff are</p>		<p>Increase industry compliance rates and decrease pollution by improving efficiency and effectiveness of Wisconsin's compliance programs.</p>	<p>In FY04, WDNR staff conducted 10 joint inspections with EPA.</p> <p><i>EPA Activities</i> <i>EPA staff conducted, 10 Joint Inspections along with WDNR staff..</i></p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	<p>accountable by WDNR internal mechanisms for these inspections.</p> <p>Joint inspections will be performed at a variety of hazardous waste handlers and facilities in a manner that is representative of the cross-section of Wisconsin's regulated community. For generator inspections, inspections will be conducted at LQGs and SQGs.</p> <p>By October 1, WDNR and EPA will jointly select the handlers and facilities to be inspected, and will jointly define the protocol to be used for these inspections. Inspections will be distributed throughout Wisconsin.</p> <p>Joint inspections will be documented on WDNR's inspection checklists. In addition, EPA staff may use their inspection checklists if they so choose.</p> <p>Per agreements with EPA, in FY04, WDNR will take the lead on inspecting one (1) Federal facility, and in FY05 WDNR will take the lead on inspecting one (1) Federal facility. For the purpose of this agreement, these inspections are joint inspections.</p> <p><u><i>EPA Activities (Joint Inspections)</i></u> <i>EPA will participate in CEI Joint inspections with WDNR annually. EPA agrees to the procedures for selection execution and recording of inspection in the State portion of this Section.</i></p>			

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
5.	<p>Enforcement <u>Take enforcement actions in accordance with the Hazardous Waste Civil Enforcement Response Policy.</u></p> <p>Joint Inspections EPA and WDNR staff will discuss inspection findings and any recommendations for follow-up according to the draft EPA/DNR Joint Inspection Procedures Guidance. [This guidance will be finalized during FY04.] These procedures do not apply to situations that pose imminent and substantial endangerment to public health and the environment.</p> <p><u>EPA Lead Activities</u></p> <p>Provide training to WDNR staff in enforcement related areas as requested.</p> <p><i>Take enforcement action in accordance with the Hazardous Waste Civil Enforcement Response Policy against violators discovered during USEPA lead inspections and for cases referred by the state to USEPA. For violations detected during joint inspections, EPA will enforce violations of law for which the state is not authorized.</i></p> <p><i>Prior to initiating an enforcement action, EPA will notify WDNR of any follow-up enforcement EPA intends to take as a result of EPA lead inspections. In the event that EPA's plans change, EPA will consult with WDNR.</i></p> <p>Joint Inspections EPA and WDNR staff will discuss inspection</p>	HWMP / State	Increase industry compliance rates and decrease pollution by improving efficiency and effectiveness of Wisconsin's compliance programs.	<p>During FY04, our program referred 3 civil enforcement cases to the Department of Justice, and with legal advice, decided against referring two other cases. Three cases were settled: Parker Hannifin, Heintz Oil and Brookside Coatings. The judgments included a total of \$37,841 in penalties and forfeitures</p> <p><i>EPA Activities</i></p> <p><i>No formal training events occurred in FY 04.</i></p> <p><i>In accordance with the Enforcement Response Policy, the following activities occurred as a result of EPA's inspections.</i></p> <p><i>1) 120 Written Informal NOV – 17 RCRA Info</i> <i>2)3007 Information Request – 3</i> <i>3) SNYs -1</i> <i>4) SNNs -1</i> <i>5) Formal Actions – 2 Complaints filed</i></p> <p><i>A File Audit of WDNR Inspection files was conducted in June of 2004.</i></p> <p><i>Training</i> <i>Walt Francis attended WDNR's Hazardous Waste Team meeting in Stevens Point, Wi.</i></p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures and/or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	<i>findings and any recommendations for follow-up according to the draft EPA/DNR Joint Inspection Procedures Guidance. [This guidance will be finalized during FY04.] These procedures do not apply to situations that pose imminent and substantial endangerment to public health and the environment</i>			<i>EPA transmitted via E-mail an Inspection list for FY 05. The list identified 45 proposed inspections (4 Joint inspections and the rest Federal lead).</i>
6.	<p>Technical Assistance</p> <p>Technical hazardous waste support to Waste Management program staff and to external customers regarding hazardous waste generation, transportation and management. Includes hazardous waste technical training activities.</p> <p>Conduct outreach activities related to Special Waste. These activities include providing advice on unsealed mercury-containing devices, such as manometers, and cathode ray tube (CRT) recycling.</p>	HWMP / State	Increase communication and information and technology sharing among universities and state and local government agencies that have an impact on Wisconsin's environment.	<p>Technical training for WDNR Waste Program staff was conducted during the FY04 Hazardous Waste Kick-off meeting in June 2003. The topics were: how to conduct Universal Waste inspections, hazardous waste sampling techniques, how to interpret air emission rules, and enforcement case studies. The enforcement case study topic included a discussion of the types of information necessary to refer a case to the Justice Department and how to determine if non-compliance is significant.</p> <p>Staff in Northern Region worked with EPA staff on a federal wood treating initiative. This initiative was chosen due to historical contamination problems at wood treating sites and the voluntary closure of units at some facilities that had used CCA treatment for pressure treating lumber.</p> <p>Of the five WDNR regions, the Northeast Region conducted the most hazardous waste inspections during FY04. In addition, staff in that region provided training on hazardous waste management at a seminar sponsored by the Federation of Environmental Technologists.</p> <p>Staff in West Central Region provided hazardous waste training at a seminar for local businesses, and</p>

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				<p>worked with the Department of Transportation to issue an emergency waiver to allow the removal and safe detonation of unstable ammunition that had been abandoned.</p> <p>Staff in Southeast Region provided training on hazardous waste requirements at four seminars, provided detailed assistance to generators on recycling exemption determinations, and assisted a generator to prepare comments on an EPA proposed rule. Staff in this region focused a great deal of effort in annual report follow-up, to assure the accuracy and completeness of data in the state/federal databases.</p> <p><u>Mercury Grant</u> WDNR received an \$11,000 in matching grant funds from EPA to fund mercury collections. Twenty-nine grants of \$50 to \$100, plus disposal costs, were awarded to various organizations ranging from clinics to schools to hospitals in the state. All collections have occurred, and the disposal is being arranged.</p>
7.	Outreach Hazardous Waste presentations and publications (that aren't new guidance).	HWMP / State	Improvement of program and regulation knowledge by the regulated communities.	See column above for information on presentations. The Universal Waste Enforcement Discretion memo was updated to include used antifreeze and the management standards. Sandy Miller, Southeast Region, completed revisions to the Very Small Quantity Generator inspection form, and began revising the remaining inspection forms.

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8.	<p>Pollution Prevention/Cooperative Environmental Assistance Includes outreach and information/education type activities. <u>Summaries of activities conducted in this area will be included in the Self-Assessment Report.</u></p> <p><u>Business Sector Specialists</u> Develop capacity within designated business sectors to effectively identify and manage hazardous waste issues. Work to integrate sector work to compliment inspection priorities, significant noncompliance and coordinate response to sector needs in those cases where sectors exist that correspond to hazardous waste program priorities. Develop capacity within the Hazardous Waste Program to effectively respond to permit and Hazardous Waste issues from new businesses to enable coordinated timely response to business development needs. Work with individual businesses as needed to include Hazardous Waste minimization and pollution prevention efforts as a part of standard operating practices of the facility as needed through Cooperative Environmental Agreements, Environmental Management systems, demonstration and pilot programs or other tools as needed.</p> <p><u>Web Development and Management</u> Promote waste minimization and pollution prevention through CEA's Web site, Publications Clearinghouse, presentations to coincide with program priorities and outreach needs identified by the Hazardous Waste Team and negotiated between the WDNR programs.</p>	HWMP / State		<p>Specific attention has been paid to the Agricultural, Dry Cleaning, Asphalt, Scrap Metal Recycling and Automotive industries. Cooperative Agreement work has focused on the modifications to the 3M and Packaging Corporation of America Cooperative agreements as well as the implementation of the agreement with Cook Composites. Results of the cooperative agreement program i.e. specific outcomes achieved by the cooperative agreement companies can be found on the CEA website along with the work that has been done to improve environmental performance of the identified sectors.</p> <p>Work has proceeded in the development of new and innovation approaches for mercury reduction that has produced results for air waste and water. Specific work on source reduction, pretreatment and recycling have produced significant amounts of mercury captured and mercury waste eliminated.</p> <p>Several initiatives for new tools to achieve superior performance have been undertaken. Wisconsin's Green Tier Law was effective May 1, 2004. Work is underway with several companies to engage in the program. Work has also started on the inreach development, a portion of which focuses on hazardous waste strategies.</p> <p>Web development work has proceeded as planned although a bit slower than expected. Wisconsin's PBT site is operational and the mercury site continues to be improved. New materials are added as needed to address emerging issues.</p>

G. Watershed Management

Shared Environmental Goals - USEPA and the six States have worked closely to develop a set of five shared environmental goals to enhance our joint efforts to protect and restore our valuable water resources and to measure our accomplishments. The enumeration of measurable goals is a significant step in collectively defining our long-term vision for clean and safe water. The goals will be used to more comprehensively report on the progress in, and status of, improving water quality in the Great Lakes Region. The five agreed upon Shared Goals are:

Goal 1: All waters in Region 5 will support healthy aquatic biological communities.

Goal 2: All waters in Region 5 will support fish populations with safe levels of contaminants.

Goal 3: Designated swimming waters in Region 5 will be swimmable.

Goal 4: All people in Region 5 served by public water supplies will have water that is consistently safe to drink.

Goal 5: The quantity and quality of critical aquatic habitat in Region 5, including wetlands, will be maintained or improved.

These goals will assist EPA and Wisconsin in joint priority setting and planning to more effectively target our programmatic work.

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1	EnPPA Preparation and Implementation including grants management			
1.1	WDNR and EPA - Work together on the schedule and content of self-assessment, annual report.	106/319	Reports completed on the core performance measures as a part of the WT SAR and completed SAR on a timely basis.	This midterm report is evidence of Region 5-WDNR partnership. WDNR and Region 5 have gone through a significant effort to update the EnPPA and SAR for FY 2005 to reflect National Program Goals and Outcomes.
2	Watershed Planning Chuck Ledin – WT/2 608-266-1956 Lisa Helmuth – WT/2 608-266-7758			
2.1	<p><i>Integrated Basin Planning</i> WDNR - Conduct planning using the concepts of the federal Unified Watershed. Based on the need to revise portions of the plans as data is obtained particularly in regard to watershed tables for 303d listing and 305b reporting, the biennial activities should focus on data evaluation and continuing data incorporation into the watershed tables for lakes, streams and groundwater. WDNR will consider utilization of 604b and other grant funding for TMDL development and watershed implementation in impaired waters or plan development/upgrade for impaired waters, consistent with nine key elements for watershed plans (See Section 319 guidance).</p> <p>EPA 1) Coordinate the State/Federal watershed work group to facilitate exchange of information. 2) Provide technical assistance on planning issues. 3) Review <u>and award</u> Sect 205(j) grants. 4) Review and, <u>when appropriate</u>, approve revisions to the Continuing Planning Process and WQM plans.</p>	604b/ state	<p>Continued integrated planning activities for plans not yet submitted and plan updates (total of 5 for the 2 year period including 3 uncompleted plans).</p> <p>Development of strategies to prepare more refined implementation plans, specifically for those basins that were unable to develop detailed, prioritized plan recommendations.</p> <p>Continued work on the continuous planning process by analyzing differences between the Wisconsin's areawide water quality planning program and its new integrated planning</p>	<p>WDNR is completing the Lake Superior, Grant/Platte/Sugar/Pecatonica plans by using the new Water Body Assessment Display And Reporting System (WADRS) system. Additional plan updates are dependent on the Planning Strategy discussed below.</p> <p>WDNR is evaluating the development of a strategic plan for standards and assessment protocols that includes how the state will pursue future planning work at a basin and watershed scale. The state is developing a White Paper on planning. It has completed development of the WADRS, which will hold 305b and 303d data and provide a mechanism for online basin planning. The future of the Continuing Planning Process will also be analyzed in the White Paper.</p>

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	5) Review watershed plans against NPS guidance, provide input to the State and work with the State to upgrade the plans.		<p>program.</p> <p>The Continuing Planning Process is revised to describe the revised integrated approach for preparing Water Quality Management Plans and to address promulgated changes in federal regulations by June 30, 2005 (if the regulations are promulgated in time to complete this work).</p>	<p>The federal regulation revisions will not be promulgated by July 1, 2005. The White Paper will discuss strategies related to revisions to the Continuing Planning Process.</p> <p>EPA awarded the 205(j) grant.</p>
2.2	<p><i>Pass Through Grants to Water Quality Planning Agencies for at least 40 percent of the total amount of the 604b grant award.</i></p> <p>WDNR – Provides Grants. EPA – See 2.1 above.</p>	604b/ state	<p>Annual work program contracts with the agencies, which include scope of work, budget, and funding source breakdowns and submit the contracts to Region V EPA.</p> <p>Posted quarterly listings of ongoing 604b projects on WDNR's Web site with status information that Region V can access.</p> <p>A semiannual summary of each local agency's progress in meeting commitments contained in the scope of work for the contracts including a</p>	<p>Each of the designated area planning agencies have completed web sites developed through contract funds under the program that document the information discussed in the performance measures and outcomes for this item.</p> <p>WDNR is incorporating the sewer service data in an ARC IMS web mapping application for internal use and will eventually provide this information on WDNR's external site for public use.</p>

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			copy of each signed agreement.	
2.3	<p><i>305b Report and 303d List</i> WDNR - Submit draft and final 303d List which includes clear identification of new listings, delistings, and the rationale for delisting. Consider all available data and information gathered through the public notice process. Provide listing methodologies. The 303d list should also separately identify waters impaired due to mercury. Submit 305b Report.</p> <p>EPA - Ensure timely, reasonable guidance to WDNR; provide written comments on draft reports and provide assistance in getting STORET operational in WDNR and/or linked to WDNR's databases.</p>	106	<p><u>Report biennially on the number & percent of assessed river miles, lake acres, & estuary square miles that have water quality supporting designated beneficial uses, including where applicable, for: a) fish & shellfish consumption; b) recreation; c) aquatic life support; d) drinking water supply.</u></p> <p><u>Report biennially on the number & percent of impaired, assessed river miles, lake acres, & estuary square miles that are covered under Watershed Restoration Action Strategies, & b) were restored to their designated uses during the reporting period.</u></p> <p>A revised 303(d) list submitted which specifically identifies additions and deletions from the previously approved list and identifies waters impaired</p>	<p>The biennial 303d (impaired waters) list was submitted in draft in early 2004, was finalized, and was approved by Region 5 in September 2004.</p> <p>The final 305b report will be posted on WDNR's website by September 30, 2004 and will be available in hard copy by November 2004.</p> <p>EPA received the final 303d list on May 5 and provided detailed feedback on June 17. To address the issues raised by EPA WDNR submitted a revised list which EPA approved.</p> <p>Ohio EPA is currently in the process of completing a methodology that they will be using to assess the attainment of drinking water designated use. The Region's plan is to share this methodology with Wisconsin and the other states to use in future discussions on incorporating drinking water use assessments into their monitoring and assessment programs.</p> <p>EPA HQ will be providing on-site technical support to WDNR in 2005 to analyze Wisconsin's current data management issues and to implement STORET.</p>

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			<p>due to mercury at the time the regulations require submittal (currently 4/1/04).</p> <p>Provide a written 305(b) report or Integrated Report by 4/1/04 (draft report by 1/1/04) including electronic assessment information through the Assessment Database</p> <p>OR</p> <p>1) a letter or write-up with the 305(b) report that describes what WDNR has done in terms of database development and 2) a schedule for completing the assessment QA and reporting process (and if available include information on what parts of the state are covered by data that still needs to be assessed); and 3) an agreement to update the 305(b) assessment information in 2005 (while we would like the data updated by 4/1/05, we can be flexible on what date is selected.)</p>	<p>All of these outcomes/performance measures will be documented and provided online in the 305b report, which will be posted on line by September 30, 2004.</p>

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			Provide an annual update of assessment information through the Assessment Data Base by 4/1/05.	
2.4	<p><i>Assessment Database</i> WDNR – Continue working to transfer to the new Assessment Database.</p> <p>EPA – Region 5 will work with HQs and States to promote the use of the Assessment Database or compatible system for tracking waterbody status (needed to allow appropriate reporting on this indicator).</p>		Progress towards implementation of the Assessment Database.	<p>The assessment Database is in production. QA/QC work is ongoing for existing data. Four of 21 basins have been completed as of September 15, 2004. The 303d list has been entered and QA/QC'ed. The three basins that are updating their basin plans will use the new system to document their work.</p> <p>Region 5 maintained contact with WDNR periodically throughout the year regarding progress on implementing the new system. To assist the State, Region 5 agreed that in lieu of updated assessments (submission of an updated Assessment Database file), WDNR could instead commit to several other activities as part of the 2004 EnPPA (see EnPPA for specifics. No other technical assistance was requested from Region 5.</p>
2.5	<p><i>Waters Assessed Assessment</i> WDNR – Perform water assessments.</p> <p>EPA – Work with WDNR on developing and implementing monitoring network designs to increase the percent of waters assessed in the State. Provide technical assistance as requested.</p>		Increase the number of Wisconsin waters that are assessed for aquatic life and other uses.	<p>WDNR is currently formulating the development of a standards and assessment strategy including updating use designations assessment protocols for the four use designations Wisconsin tracks (fish and aquatic life, recreation, public water supply and fish consumption).</p> <p>EPA provided support in the development of the State Monitoring Strategy (see specific activities under that activity). One component of a comprehensive Strategy is to include designs that account for assessing 100% of state waters. EPA awarded funding to conduct the wadeable streams</p>

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				assessment by Wisconsin that will provide data for a nation-wide assessment and sufficient additional sites to assess all Wadeable streams in Wisconsin. EPA worked with the State on the appropriate design and provided other methods and QA information.
3	Water Quality Standards Bob Masnado – WT/2 608-267-7662			
3.1	<p><i>Water Quality Standards</i></p> <p>WDNR – Code modifications and development of policy and guidance associated with existing and revised standards. Participate on the Regional Nutrient Criteria work group and cooperate with Region 5 Biocriteria Assessment. On nutrient standards, WDNR will formally and informally share plans and progress on adoption of nutrient criteria.</p> <p>EPA – Provide funding for nutrient criteria development up to amount provided by HQ. Lead/facilitate the nutrient RTAG. Support efforts through technical assistance and participation in advisory committees, as requested. Review final rules for consistency with the CWA and Federal regulations and consult with USFWS as required by Section 7 of the Endangered Species Act.</p> <p>EPA will also provide assistance where requested by States revising/updating their bacteria criteria. Participate on EPA's bacteria criteria workgroup; distribute to states and solicit comments on EPA's draft Bacteria Criteria Implementation guidance document; participate on conference calls with states to address states' concerns with</p>	State/106	<p>Ammonia Standards and Implementation Guidance.</p> <p>Thermal Standards and Implementation Guidance.</p> <p>Nutrient Standards and Implementation Guidance.</p> <p>Bacteria Standards (E.Coli) and Implementation Guidance.</p> <p>DNR and EPA will discuss implementation procedures for non-BCCs for high quality waters.</p>	<p>Done, check with RR on implementation guidance.</p> <p>Region 5 reviewed and approved the new ammonia rules subject to completion of consultation on 9/30/04.</p> <p>Completing public hearing drafts of rule revisions to be taken to December 2004 Natural Resource Board (NRB) Meeting.</p> <p>Region 5 reviewed the draft thermal rules.</p> <p>Continuing three-year monitoring effort. Developing final report to be used in rule revision process.</p> <p>Wisconsin did not request funding under last year's RFP. Region 5 is working closely with Wisconsin to support its nutrient criteria development efforts and will continue to do so. Wisconsin's work to date is excellent and it is making good progress consistent with their approved plan.</p> <p>Advisory committee meetings are ongoing. Target is to request NRB concurrence for public</p>

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	adopting EPA's recommended bacteria criteria, ensure EnPPAs contain language that demonstrates states' intent to adopt the recommended bacteria criteria by 4/10/04.			<p>hearings in early 2005.</p> <p>Region 5 is providing technical assistance as requested by WDNR.</p> <p>Discussions have not yet occurred.</p> <p>Discussions of antidegradation implementation for non bioaccumulatives were tabled for 2004.</p>
3.2	<p><i>Great Lakes Implementation (GLI)</i></p> <p>WDNR – Code modifications and development of policy and guidance associated with GLI standards.</p>	State/106	Implementation Guidance for the Great Lakes Water Quality Initiative including BCC mixing zone ban.	<p>Fully implementing GLI except for the 4 objections. Region 5 has provided clarification of issues that will allow WDNR to proceed towards making revisions. WDNR is making progress on WET procedures and water quality criteria.</p> <p>USEPA provided funding (start date 1/05) to WDNR to conduct a review of WET implementation procedures in Wisconsin and develop options for possible rule revisions to address EPA's promulgation.</p>
3.3	<p><i>Water Body Use Designations</i></p> <p>WDNR – During FY 03-05, WDNR will engage in a triennial standards review as required by the Clean Water Act. This may require additional work to document potential use of streams and rivers based on aquatic life communities, habitat, and associated land use practices. Initiate rule changes and develop policy and guidance associated with existing and revised water body use standards.</p> <p>EPA - Track the number of waters in which changes in water quality are prohibited and those in which changes in water quality are restricted (expectation is that numbers will stay the same or</p>	State/106	<p>Codified use designations for surface waters throughout the state are assessed with the generation of supplemental or contemporary data and determinations are documented.</p> <p>Water Body Use Designation – Phase I Rule Revisions are completed and implementation guidance</p>	<p>See 2.4 and 2.5 above. WDNR has not made significant progress on the rule revisions. These efforts will be evaluated as a part of WDNR's Clean Water Act implementation strategy currently under development</p> <p>Region 5 concurs with WDNR's assessment.</p>

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	increase). Work with states to develop biologically-based quantitative methods for identifying waters with high biological integrity as candidates for protection through prohibitions on lowering of water quality. Work with states to develop appropriate criteria and assessment methodologies to support quantitative assessment of support of ONRW/OSRW status for waters so classified by the states. Track and report assessment results in periodic updates of the related factsheet for Shared Goal 1.		is finalized. Draft Phase 2 Waterbody Use Designation policy and rule changes are developed with an external advisory committee and presented in public hearings.	
4	Total Maximum Daily Loads Bob Masnado – WT/2 608-267-7662 Jim Baumann – WT/2 608-266-9277	State/106/319		
4.1	<i>Total Maximum Daily Load (TMDL) Development</i> including monitoring data collection, develop and implement watershed plans, meeting specified criteria, in impaired waters through work with GMU partner groups to identify water quality objectives, strategies and schedules to accomplish elimination of water quality impairments at the listed waters, participate on the Regional TMDL work group.	State; 106; 104(b); 319; 205(j); 604(b)	Revised Wisconsin TMDL procedures as necessary to deliver timely TMDLs to EPA consistent with the approved two-year schedule and the submitted long-term schedule.	WDNR is continuing to revise procedures on an ongoing basis. The Region continues to be concerned over the slow pace of TMDL development in Wisconsin. EPA began development of federal TMDLs for 3 waters in Wisconsin at the request of DNR.
4.2	<i>TMDL Reporting</i> EPA Core Performance Measure	State; 106; 104(b); 205(j); 319; 604(b)	<u>Report on the number of TMDLs under development, submitted to EPA and approved by EPA.</u>	As of September 2004, WDNR has 26 TMDLs under development. Three draft TMDLs covering five river segments were submitted to Region 5. Two TMDLs were approved by Region 5 since July 1, 2003. EPA reviewed and approved TMDLs addressing 8 impairments in Wisconsin in FFY04. The target for FFY04 was 13. EPA review and approval of Wisconsin averaged 49 days from date of receipt.

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4.3	<p><i>TMDL List Development and Completion</i></p> <p>WDNR – By January 1, 2004, WDNR will submit a detailed list of water bodies for which TMDLs will be submitted to EPA through the year 2004.</p> <p>By January 1, 2005, WDNR will submit a detailed list of water bodies for which TMDLs will be submitted to EPA through the year 2005. Included with the 2004 and 2005 specific list of named water bodies will be dates for submitting final TMDLs to EPA for each quarter within the year.</p> <p>EPA – Provides contract support for TMDL development efforts.</p> <p>WDNR will undertake whatever actions are necessary to develop an integrated 305b/303d list for the 2006 listing cycle.</p>	<p>State; 106; 104(b); 205(j); 319; 604(b) Federal Contract</p>	<p>TMDLs are <u>completed</u> in accordance with the 2-year commitment schedule established between WDNR and Region V EPA.</p> <p>WDNR submits the following in conjunction with the submittal of the specific lists of TMDLs on January 1, 2004 and January 1, 2005:</p> <ol style="list-style-type: none"> 1. Dates (e.g., quarters) for submittal of both draft TMDLs and final TMDLs for each specific TMDL identified on the annual list. 2. Methodologies for substitution of listed TMDLs for each annual list. 3. Funding sources and other resources needed to develop the specific TMDLs identified in the annual lists. 4. Quarterly reporting updates by email, conference call or other. 5. By 4/1/05, the development of an integrated list will begin. 	<p>WDNR completed submittal of TMDL lists on a timely basis and provided updates as needed.</p> <p>EPA reviewed the list submittal and requested closer evaluation of certain waters. WDNR added some of these waters to the 2004 TMDL list.</p> <p>EPA has provided contract support.</p>

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4.4	<i>TMDL and Watershed Project Implementation</i>	State; 106; 104(b); 205(j); 319; 604(b)	<p>By 10/31/03, identify implementation efforts in 303(d) listed waters, which WDNR expects to de-list due to these implementation efforts within the next 10 years.</p> <p>By September 1 of each year, provide status reports on each project, including watershed wide efforts addressing point and/or non-point sources under any combination of regulatory and voluntary efforts; efforts that are not yet fully funded or efforts that are in the initial stages of implementation, for which WDNR intends to pursue as funding and WDNR reasonably believes that the effort will correct one or more impairments on the listed water(s).</p>	<p>WDNR completed the initial submittal as a part of the Environmental Accountability Pilot Project which covers these performance measures. The status reports were provided as a data submittal to the Pilot Database in August 2004. WDNR intends to update the database by September 1, 2005. Information on nonpoint project status was submitted through GRTS.</p> <p>WDNR is willing to provide Region 5, a 1-2 page summary on the status of each project (please get back to us on this). For projects already covered under an EPA/DNR reporting mechanism the state needs to identify the mechanisms and reporting frequency, for project not covered under an existing agreement a 1 – 2 page summary of status is sufficient.</p> <p>During FFY04 WDNR included efforts in the accountability pilot which address 27 impairments. EPA and DNR will track these to completion.</p>
5	WPDES Permits Duane Schuettpelz – WT/2 608-266-0156 Susan Sylvester – WT/2 608-266-1099			
5.1	<i>WPDES Policy and Systems Development and Maintenance</i>	106/state	SWAMP use by all staff and policy integration	SWAMP is updated monthly. DMRs are entered by the Janesville Data Shop and verified by DNR.

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	WDNR - Provide accurate and timely data input of WPDES data into WDNR's tracking database. EPA – Commits to providing assistance, as needed.		that is needed to issue permits in a timely manner.	All permits are drafted in SWAMP. Permit language updates are made to the “boilerplate” in SWAMP as needed.
5.2	<i>WPDES Permit Issuance (majors, minors and general permits) and calculation of Water Quality Based Effluent Limits.</i> WDNR – Provides surface water dischargers' data on a quarterly basis to Region 5, which documents the surface water permit backlog.	106/state	Maintenance of the overall permits backlog at 10 percent or less and continued timely input of PCS data. Provision of general permit coverage as necessary.	WDNR has maintained less than 9% statewide permit backlog since 1996. PCS is updated regularly. This is done manually but we hope to have an automated system by mid 2006.
5.3	<i>On-Site Permits</i> WDNR – Conferring coverage under the general permit.	UIC	UIC program requirements are taken into consideration when dealing with a facility which proposes to discharge motor vehicle or industrial waste through a system, which discharges to groundwater.	WDNR is drafting a general permit for large-scale septic systems. Motor vehicle wastewater is required to go to holding tanks and is hauled to POTWs.
5.4	<u><i>WPDES Permit Status Reporting</i></u> EPA Core Performance Measure	106	<u>Report annually on the number and percent of facilities that have a discharge requiring an individual permit a) that are covered by a current individual permit; b) that have expired individual permits; c) that have applied for but not been issued an individual</u>	a) 850 100% b) 70 8.2% c) No new applications, only re-issuance d) No permits are in the appeal process

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			permit and; d) that have individual permits under administrative or judicial appeal.	
5.5	<p><i>Permit Compliance System (PCS)</i></p> <p>WDNR – Provide systems maintenance and data entry of critical elements of PCS (inspections, enforcement actions, etc.). In particular, secondary enforcement actions for major dischargers (including CSO, SSO & CAFO data associated with majors) are entered into PCS. To the extent staff time is available, secondary enforcement actions for minors (including CSO, SSO, and CAFO data associated with minors) are entered into PCS (rather than reporting the enforcement actions to EPA for data entry). The enforcement actions to be entered include state judicial cases concluded with penalties collected. In the event WDNR cannot enter the enforcement data, WDNR submits to Region 5 the enforcement information on a semi-annual basis.</p> <p>EPA – Provide PCS or data management support to ensure timely data input and accurate data management. EPA will assist State in conversion to new data system and to prepare for PCS modernization.</p>	106, 104(b)	<p>At least 95% of PCS data for majors are entered by 1/1/04 and critical data elements of PCS are maintained.</p> <p>Develop and implement a plan to assure that information systems that are developed will automatically communicate compliance and enforcement data between federal and state systems. EPA HQ has different funding mechanisms available , which WDNR can apply for to assist in the development of this plan. Region 5 will provide WDNR information regarding the types assistance available.</p> <p>Inspection data for majors and minors PCS is entered into PCS per the inspection strategy submitted on April 10, 2003.</p>	<p>WDNR enters all major data into PCS regularly. PCS critical data elements are maintained.</p> <p>WDNR was awarded an OECA grant to start 11/15/04 for \$150,000. This grant will fund the automation of our database to PCS. It is our intention to be fully automated by 6/30/06. EPA's FY 2005 Exchange Network Grant program solicitation notice was published 10/21/04. WDNR may also want to apply for funding through this source. See epa.gov/networkg (click on "guidance document")</p>

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			<p>Enforcement data is entered into PCS or is submitted to EPA Region 5 on a semiannual basis.</p> <p>The number of open referrals filed by the Wisconsin Department of Justice, are provided on a semi-annual basis to Region 5.</p>	<p>Inspection data for major and minors is entered into PCS regularly. The Inspection Strategy was updated on 9/1/04.</p> <p>WDNR submits to EPA paper copies of enforcement data twice a year. The data is entered into PCS regularly.</p> <p>There were 40 referrals to Wis. DOJ between July 1, 2003 and September 30, 2004 - the majority being the SSOs. Of the 40 referred during that time period, 3 have court judgments.</p> <p>There were 5 other cases with court judgments that were settled, but all were referred prior to July 1, 2003.</p>
5.6	<u>Combined Sewer Overflow Reporting.</u> EPA Core Performance Measure	106	<u>Report annually on the number of permittees that are covered by a permit or other mechanisms</u>	Milwaukee and Superior are covered under permits.
5.7	<i>Combined Sewer and Sanitary Sewer Overflow (CSO/SSO) Abatement</i> WDNR - Report CSO/SSO events; general and specific permit issuance; compliance and enforcement; and municipal outreach, program and policy. EPA - Assist WDNR in fully implementing wet	106/state	<p>Provide information on status of CSO implementation for these communities upon request.</p> <p>All SSO permits in the Milwaukee area are</p>	<p>WDNR will prepare a statewide summary report on events, permit issuance, compliance, and enforcement later in 2004. The report will be sent to Region 5 under separate correspondence.</p> <p>This will be addressed in the referral. WI was to report the number of permits issued.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	weather programs, including providing training and/or technical assistance.		<p>issued for specific satellite communities with SSO and infiltration/inflow concerns.</p> <p>WDNR will report CSO/SSO events to EPA on a quarterly basis.</p> <p>EPA will conduct a CSO inspection, in cooperation with the WDNR, in the City of Superior. Based on the results of this inspection and the Congressionally authorized study underway in the City of Superior, EPA and WDNR will jointly review the need for additional LTCP activities.</p> <p>WDNR will continue to review compliance of satellite systems (including those connected to the Milwaukee MSD) with the terms of the SSO general permit to determine a need for issuance of specific</p>	<p>WDNR has not issued permits to the satellite communities pending the outcome of the referral action.</p> <p>See above.</p> <p>Region 5 completed the inspection. However, WDNR and Region 5 have not completed the review regarding LTCP. EPA completed the inspection report and is ready to discuss with the state, the need for any additional LTCP activities.</p> <p>MMSD and 29 satellite systems have been referred to DOJ for SSO violations. EPA met with WDNR and has provided technical assistance supporting SSO enforcement.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			<p>permits.</p> <p>Complete rule revisions which incorporate appropriate existing and revised EPA regulatory requirements related to SSOs by June 30, 2005.</p> <p>More accurate characterization of water quality due to overflow events particularly related to microbial pathogens.</p>	<p>Rulemaking is still in progress.</p> <p>WDNR, in part, is sponsoring research on this subject. Additional information on the progress of the research can be found on the following website: http://www.uwm.edu/Dept/GLWI/ecoli/current_projects.htm</p> <p>WDNR evaluated information from UW Milwaukee research studies (bacteria) and used results when analyzing Milwaukee and other municipal CSO/SSO events.</p>

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5.8	<p><i>Permit Streamlining</i></p> <p>WDNR & EPA – Continue to examine the NPDES permitting process in order to identify opportunities for increased efficiency and streamline through innovative approaches. A concurrent effort is being done for implementation of Phase II storm water permits and the TMDL process.</p>		<p>One or more of the recommendations coming out of the permit streamlining workgroup is implemented in Wisconsin.</p> <p>Streamlining opportunities for all parts of the water program, especially the NPDES compliance elements are implemented that foster innovative approaches, and working partnerships.</p>	<p>This fall (Nov. 2004) a peer review of permits will be conducted for all WDNR regions. WDNR also implemented the “reduced effort permit”, giving the permit drafter flexibility on how long to spend on each permit.</p>
5.9	<p><i>NPDES Program Integrity Pilot Project</i></p> <p>WDNR – Complete the State Self-Assessment form, that is an important part of the NPDES National Program Integrity Review.</p> <p>EPA - Participate in the national Program Integrity Workgroup along with the designated Region 5 States.</p>		<p>State input due by December 31, 2003.</p>	<p>WDNR has completed the self-assessment and responded to additional requests for information to complete the project.</p>
6	<p>Biosolids</p> <p>Greg Kester – WT/2 608-267-7611</p> <p>Susan Sylvester – WT/2 608-266-1099</p>			

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
6.1	<p><i>Biosolids Management</i> WDNR – Permitting, inspection, compliance assistance and assurance, site request review, and all other associated activities related to sludge treatment, quality, and ultimate disposition; All septage management and land application activities; maintenance and enhancement of monitoring, permitting, and land application tracking database (SWAMP).</p> <p>EPA - Prior to initiating enforcement action relating to biosolids or septage management, Region 5 will communicate with appropriate biosolids program coordinator to develop strategy (before letters are sent to the affected party).</p>	State/106	Implementation of the EPA biosolids delegation agreement.	<p>WDNR is continuing to implement the delegation agreement.</p> <p>EPA has notified WDNR of any issues it is involved in and has copied WDNR on all letters.</p>
6.2	<p><i>Biosolids Reporting</i> EPA Core Performance Measure</p>	State/106	<u>Report on percent of POTWs beneficially reusing their biosolids and the percent of biosolids generated that are beneficially reused.</u>	<p>Beneficial Use Information for Wisconsin: A. Percentage by Volume per Disposition Method (Total = 150,859 Dry Metric Tons) Land Application (Class B) = 71,572 Dry Metric Tons (47.4%) Public Distribution or land application of EQ biosolids = 47341 Dry Metric Tons (31.4%) Total Beneficial Use = 118913 Dry Metric Tons (78.8%) Incineration = 16172 Dry Metric Tons (10.7%) Landfill = 15774 Dry Metric Tons (10.5%) B. Percentage by Facilities per Disposition Method (Total Permittees who use/dispose sludge annually) = 378 Land Application (including facilities which haul to them) = 361 (95.5%) Facilities producing EQ = 10 (2.6%) Total Beneficial Use = 98.1% (371/378) Incineration 2 (0.5%)</p>

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				Landfill 12 (3.2%) This information is for Calendar Year 2003.
7	Pretreatment Duane Schuettpelez – WT/2 608-266-0156 Chuck Schuler – WT/2 608-267-7631			
7.1	<p><i>Pretreatment</i> WDNR – Conduct audits, compliance reviews, inspections, PCS data entry, and program development. Continue self-assessment of programs.</p> <p>EPA - Provide inspection support when requested, as EPA resources allow. See field presence activities in 8.2.</p>	106	<p>POTW audits are conducted once every 5 years in conjunction with other compliance inspections.</p> <p>POTW compliance reviews are conducted once each year based on annual reports.</p> <p>An overall control document backlog is maintained below 10%.</p> <p>Industrial users subject to Department control are inspected at least twice each 5 years with ongoing review of semi-annual periodic compliance reports.</p> <p>Results-oriented performance measures are developed; creating and implementing program efficiency measures, simplifying inspection and EPA reporting</p>	<p>See 7.2 Below</p> <p>Completed</p> <p>Backlog at 12%</p> <p>66 inspections conducted out of 166 current industries</p> <p>All compliance reports reviewed</p> <p>Initiated - not completed</p> <p>EPA has worked with the state on specific technical issues and on the control of mercury at POTWs. EPA drafted Regional mercury Pollutant Minimization Program Guidance.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			requirements.	
7.2	Pretreatment Reporting EPA Core Performance Measure	106	<p><u>Report annually on the number of approved pretreatment programs audited in the previous 5 years.</u></p> <p>Report annually on the number of categorical IUs to POTWs without approved pretreatment programs (non-pretreatment cities) and the compliance rate of these IUs.</p>	<p>11 audits, 14 PCIs and 23 Recons conducted in previous 5 years. 3 audits and 9 Recons conducted this past year</p> <p>Currently 166 IUs in non-pretreatment POTWS. Compliance rate - 96%</p>
	Compliance Assistance, Compliance and Enforcement Duane Schuettpelz – WT/2 608-266-0156 Susan Sylvester – WT/2 608-266-1099 Steve Sisbach – EE/5 608-266-7317 Roger Larson – WT/2 608-266-2666			
8.1	<i>Operation & Maintenance (Compliance Assistance)</i> WDNR – Provide technical assistance to POTWs consistent with 1998 levels. Assist the regional office in maintenance of the national computer database. Host the regional operator training conference in February 2004. Provide assistance to POTWs regarding wastewater security. EPA - Provide 104(g) funding; host annual roundtable conference; provide assistance where requested. Facilitate the dissemination of technologies and ideas between states and professional organizations.	104g	<p>Assistance to communities. Attendance at regional and national operator training conferences.</p> <p>Mid-year activity reports consistent with guidance. Summaries of compliance assistance accomplishments are shared on an annual basis and end of year.</p>	WDNR has continued its O&M assistance program. WDNR documents O&M and security activities in semiannual 104g reports that were submitted on a timely basis. WDNR hosted the 2004 regional 104g conference. WDNR submitted an O&M awards candidate list in 2004 that included Green Bay MSD and Markesan.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			Submission of a candidate list every year.	
8.2	<p><i>Point Source Compliance and Enforcement</i></p> <p>WDNR – Conduct inspections, compliance determinations, evaluation of violation responses with escalation of continuing violations for secondary enforcement in accordance with WDNR's inspection strategy dated April 10, 2003. Citizens complaint referred to WDNR are forwarded to WDNR field staff for follow up and response to EPA. These contacts are documented through event-tracker in SWAMP.</p> <p>EPA – Provide inspection support when requested, as EPA resources allow. Refers citizen complaints to WDNR unless the complaint concerns a facility with which Region 5 has an open enforcement case. Federal enforcement will be a priority for facilities on the Quarterly Noncompliance Report, which have not returned to compliance or been addressed by a Formal Enforcement Action (FEA). EPA will contact WDNR when initiating any enforcement action.</p> <p>In FY 2003, EPA and the States worked together to develop several recommendations relating to Enforcement Streamlining. In FY 2004, EPA will work with WDNR, to develop a plan or strategy to provide an effective field presence (covering, among other things, inspections for NPDES majors, CAFOs, sludge, pretreatment audits and PCIs, and compliance assistance). This strategy will be intended to serve as an effective, efficient alternative to the traditional "coverage" measures associated with assessing</p>	State/106	<p>The significant noncompliance rate for major permitted facilities is maintained at less than 10 percent (>90% compliance) for major facilities with the active exceptions list at less than or equal to 2 percent.</p> <p>The Enforcement Management System revisions/update is completed for the WT program and a copy is submitted to Region 5 by March 31, 2004.</p> <p>Inspections of facilities are completed in conformance with an inspection strategy dated April 10, 2003.</p> <p>At least 70% of all major facilities receive an inspection on an annual basis.</p>	<p>The Inspection Strategy was revised on 9/1/04. Part of the revision includes a requirement that all supervisors of inspectors review the inspection reports quarterly for follow-up. This is to improve our compliance rates. It is WDNR's goal to have less than 10% non-compliance during any one reporting period.</p> <p>The Enforcement Strategy was issued final June 2004.</p> <p>The Inspection Strategy was revised on 9-1-04. All inspections are completed in conformance with this strategy.</p> <p>90% of all majors were inspected in the last 12 months.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	effective field presence, and traditional definitions of inspections, audits, etc.			
9	State Revolving Fund Bob Ramharter – CF/8 608-266-3915			
9.1	<i>State Revolving Fund (SRF)</i> WDNR - Administration & Plan Reviews of SRF projects.	SRF Grant /state	Plans and loan applications are processed. The use of the State Revolving fund is expanded for support of nonpoint source management.	WDNR has continued to process SRF projects. WDNR expanded their SRF program to support NPS projects.
9.2	<i>SRF Reporting</i> EPA Core Performance Measure	SRF Grant /state	<u>Update EPA's SRF Information System databases.</u>	WDNR updated the database on a timely basis.
10	CAFO and Animal Waste Activities Russ Rasmussen – WT/2 608-267-7651			
10.1	<i>Animal Waste Permit Issuance</i> WDNR – Issue permits.	State	Identification of large (>1000 Animal Units – AU) Concentrated Animal Feeding Operations (CAFO/AFO). Issuance of large (>1000 AU) CAFO/AFO permits in order to maintain numbers of expired permits at or below the	WDNR continues efforts to identify large CAFOs via: <ul style="list-style-type: none"> • In-field inspections • Presentations to/cooperation with various CAFO related organizations • Continued improvements to the DNR website for CAFOs • Ongoing coordination with County Land Conservation Districts WDNR issued 19 new permits and reissued 3

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			<p>10% level (estimate of 25-40 permits per year.</p> <p>Identification of CAFO/AFOs with more than 300, but less than 1,000 AU, based on information collected through past and future compliance monitoring activities. Following receipt of permit applications from CAFOs with more than 300 but less than 1000 AU, issue permits to these CAFOs in a timely manner.</p>	<p>permits while maintaining a permit backlog less than 10%. As of July 1, 2004, the CAFO permit backlog was 9.6%.</p> <p>WDNR conducted three expansion workshops (Fitchburg, Wausau, Appleton) in March of 2004 for operations considering expansion to 1,000 AU or more, consultants working in the agricultural sector and federal, state and local agricultural agency staff. Topics covered included siting issues; the WPDES permit process and a producer's perspective on the permit process.</p> <p>WDNR has issued 4 notices of intent to issue a Notice of Discharge to operations with less than 1,000 AU.</p>
10.2	<p><i>CAFO Inspection</i></p> <p>WDNR – Inspect CAFOs and report in PCS (ongoing) the known universe of CAFOs larger than 1000 animal units and any newly discovered CAFOs larger than 1000 animal units.</p>	State	<p>All large CAFOS and known medium CAFOS are inspected at least one time every five years or at the frequency with which they inspect other minor point source dischargers, whichever is greater.</p> <p>Priority watersheds are established within which WDNR will seek to identify and inspect all AFOS that may be medium CAFOS.</p> <p>Ongoing reports on PCS with inspection report</p>	<p>All CAFOs were inspected within 12 months of permit reissuance. A total of 13 operations were inspected based on permit reissuance or individual regional priorities, all of which are available on the SWAMP system.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			submitted to Region 5 by September 1, 2004.	
10.3	<i>Animal Waste Policy</i> WDNR – Policy and program development including seeking revisions to State law and or beginning the process for revising NR 243 as necessary to conform with federal revisions.	State	Information and education programs for CAFO operators and others.	WDNR has convened a Technical Advisory Committee (TAC) consisting of over 15 representatives of numerous stakeholder groups to oversee revisions to NR 243. Draft code language has been drafted and the TAC has met 11 times to review the language. In addition, WDNR has given interim reports to members of stakeholder groups represented by the TAC. EPA participated in several meetings of WDNR's TAC. In October 2004, EPA Region 5 distributed the <i>Interim Final Technical Guidance for the Application of CAFO Manure on Land in the Winter</i> to all states, including Wisconsin.
11	Stormwater Permitting Russ Rasmussen – WT/2 608-267-7651			
11.1	<i>Stormwater</i> WDNR - Permitting and Compliance Monitoring; includes municipal and general permit (GP) issuance and conferring GP coverage to industries and construction sites. EPA – Will sponsor the Train-The-Trainer MS4 training in the 4th quarter of 2003 and in the first quarter of 2004. Will provide travel funding in support of 2 people per State, at an average of \$800 per person, to ensure State participation. .	State	A Municipal General Stormwater Permit is issued and coverage is extended to affected municipalities; general permit coverage is extended for construction sites and industrial facilities. Expired industrial and construction site general permits are reissued. NR 216 is revised to comply with Phase II	NR 216 was revised to comply with Phase II on August 1, 2004. The construction site general permit will not expire until March 31, 2006. However, the reissuance of the construction site permit for construction sites down to one acre and the initial issuance of the MS4 general permit are expected to occur about Jan. 1 2005. WDNR expects to hold Educational workshops for regulated MS4s in the spring/summer of 2005 (after they have received MS4 general permit coverage).

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			<p>regulations by June 30, 2004 with permits created or revised after promulgation.</p> <p>Information and education is provided to regulated public with regard to Phase II and NPS Redesign</p> <p>Industrial and construction site non-compliant permittees are identified and addressed as resources permit.</p>	<p>Storm water staff have continued to inspect and take enforcement against non-compliant owners/operators of construction sites and industrial facilities. Given available resources, inspections are primarily based on complaints.</p> <p>EPA conducted one session of the train-the-trainer SW training, and has requested suggestions from the state in terms of additional training or assistance that the U.S. EPA can provide. This input has been incorporated into a draft strategy which will be discussed with the States at the December 2004 Director's meeting.</p> <p>EPA is currently reviewing draft WPDES storm water permits for Municipal Separate Storm Sewer Systems (MS4s), Construction sites, Recycling of Scrap and Waste Material and Dismantling of Vehicles for Parts Selling and Salvage.</p> <p>EPA is also considering a joint proposal from Wisconsin and Minnesota for additional NPDES and storm water training.</p>
11.2	<i>Stormwater Reporting</i> EPA Core Performance Measure	State	<u>Report annually on the number of stormwater sources associated with industrial activity, number of construction sites over one acre and number of designated storm water sources (including municipal) that are covered by a current</u>	<p>Currently, 53 MS4s are regulated under 19 individual storm water permits.</p> <p>5800 industrial facilities are regulated under 6 industrial general permits and 2 airports are regulated under individual storm water permits.</p> <p>1497 construction site NOIs were processed in calendar year 2003 and about 500 of those were for sites with 5+ acres of land disturbance and</p>

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			<u>individual or general permit or other enforceable mechanism.</u>	1000 for sites with 1-5 acres of land disturbance.
12	Nonpoint Source Program – Section 319 Clean Water Act Russ Rasmussen – WT/2 608-267-7651 Jim Baumann – WT/2 608-266-9277			
12.1	<i>Nonpoint Source (NPS) Projects</i> WDNR - Operate the nonpoint source program to achieve and maintain beneficial uses of water while qualifying for enhanced benefits status.	319/State	<p>Implement the program described in the revised 319 Management program document.</p> <p>Maintain progress on existing Priority Watershed projects and newer short-term projects, implement targeted runoff management projects.</p> <p>Potential project opportunities to implement BMPs (consistent with the State's NPS management plan) are identified, which will enhance or establish sensitive ecosystems while addressing water quality issues.</p> <p>Project proposals are identified to address</p>	<p>The priority watershed projects are continuing. TRM projects selection has occurred and the projects were awarded.</p> <p>WDNR is implementing the 319 program. Documentation of the project opportunities and the monitoring program are contained in the semi-annual 319 report. Please refer to that document for specific information on performance measures and outcomes. The semi-annual report was submitted to EPA on a timely basis.</p> <p>The annual report was submitted to EPA on schedule and EPA has reviewed the report.</p> <p>EPA reviewed and commented on the 2004 NPS Annual Report.</p>

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			<p>issues associated with AOCs consistent with the LaMPs.</p> <p>WDNR's monitoring program is integrated with the State NPS/319 program.</p>	
12.2	<i>NPS Reporting</i> EPA Core Performance Measure	319/state	<p><u>Annually report on the progress that Wisconsin is making in incorporating the nine key elements outlined in EPA guidance.</u></p> <p><u>Annual reports that include environmental accomplishments and highlight improvements by October 1 of each year. The reports should emphasize measurable environmental improvements, specifically on reductions in sediment and nutrient loadings; provide WRAS for category 1 watersheds receiving 319 funding as part of the application.</u></p> <p>Updated State reports on a continuous basis as project status changes.</p>	<p>This information was submitted as a part of the approved 319 management plans.</p> <p>EPA reviewed and commented on the 2004 NPS Annual Report.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
12.3	<i>State Nonpoint Source Management Program Evaluation Framework</i> WDNR - Develop framework to document the impact of program implementation on a watershed, waterbody or BMP basis.		Complete Wisconsin's strategy (documented in an issue paper to be shared with Region 5) for the draft framework by 3/1/04. Work to finalize framework by 9/30/04. Begin framework implementation in FY '05.	WDNR completed the framework document by the dates indicated. WDNR submitted their Evaluation Framework prior to the deadline. EPA reviewed and approved the State NPS Evaluation Framework.
12.4	<i>Federal Funding Pilot for NPS best management practices evaluation</i>	State/104 (b)3	Complete the pilot to accelerate implementation of nonpoint source best management practices in 2 to 3 selected small watersheds and monitor water quality improvements from installation of the Management Practices.	WDNR completed the projects and submitted reports that document the improvements to Region 5 in August 2004. EPA reviewed, commented and requested additional information on a number the accountability projects submitted and is the process of evaluating the revised information.
13	Sediment Management Greg Hill – WT/2 608-267-9352			
13.1	<i>Contaminated Sediment</i> WDNR – Remediation at locations other than the Fox River; evaluate toxicological and biological effects of contaminated sediment or surface waters including ecological risk assessments.	State/106	Sediment quality objectives are developed to meet established water quality criteria at specific contaminated sediment sites.	WDNR has completed the development of a document entitled "Consensus Based Sediment Quality Guidelines" and has provided training to staff statewide of the application of the concepts within this guidance document. The principles of this guideline are being used to evaluate recreational and navigation projects to assess water quality. It is also been used to establish sediment clean up goals in a limited number of

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			<p>Remediation projects are implemented by WDNR Watershed Management staff using appropriate risk assessments, remedial investigations, and feasibility studies including an evaluation of the amount of sediment removed, the environmental benefits associated with that removal and appropriate disposal assured.</p> <p>Sediment chemistry and physical data collected by WDNR staff are entered and summarized annually into the sediment database.</p> <p>An inventory of activity for contaminated sediment sites is maintained.</p>	<p>sites.</p> <p>WDNR was provided training by USEPA consultants on risk assessment methodologies consistent with CERCLA. Ongoing remediation projects including Cedar Creek, Sheboygan River, the Lower Fox River and Hog Island Inlet have been evaluated consistent with the risk assessment approach.</p> <p>WDNR has established a site assessment methodology, which automatically incorporates data provided by the State Laboratory of Hygiene into the Sediment Database. WDNR will be upgrading STORET (104b grant) to include sediment data management capabilities.</p> <p>The inventory is maintained for inactive, active and 303d sites.</p>
13.2	<i>Fox River</i> Contaminated Sediment Remediation Lead WDNR 's review and approval of the remedial design and remedial action for the lower Fox River.	State/106/104(b)3 (not the actual remediation work)	Remedial design for the selected remedy for Operable Unit #1 (OU-1 – Little Lake Buttes des Morts) is reviewed and approved.	The Remedial Design for OU-1 will be completed in February 2005. Remedial design OU-2 through OU-5 is being developed cooperatively by Georgia Pacific, NCR, WDNR and Region 5.

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14	Great Lakes Chuck Ledin – WT/2 608-266-1956			
14.1	<p><i>Great Lakes Implementation</i> in support of Remedial Action Plans or Lakewide Management Plans</p> <p>WDNR – Financial management activities related to applying for funds from external sources or expending the state share of the Great Lakes Protection Fund.</p>	<p>Coastal Environmental Mgt 104(b)3 (CEM) / State</p>	<p>Restoration of ecosystem quality in the Great Lake Basin tailored to achieve the following specific environmental implementation objectives or outcomes: Pollutant reduction projects of critical pollutants in the Lake Michigan basin or the zero discharge pollutants in the Lake Superior basin. Decreasing bioaccumulating pollutants in body burdens of fish and wildlife. Restoring ecological functions by habitat improvement projects or species recovery or restoration projects aimed at targeted species in the Great Lakes planning documents.</p> <p>WDNR will provide specific environmental measures/outcomes (e.g. tons of sediment prevented from entering</p>	<p>Advanced the Kinnickinnick River project but EPA decided not to fund it (Legacy Act). WDNR advanced the Hog Island project (Legacy Act) but EPA has not yet made a final decision on funding. WDNR has advanced the CREP amendment program for the Lake Superior Tributaries under the Sediment Reduction Goals. WDNR filed suit against Milwaukee MSD and member communities to reduce SSO discharges. SEWRPC/Milwaukee MSD initiated a Milwaukee basinwide study to decrease pollutant discharges to Lake Michigan.</p>

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			a waterbody) for each project.	
14.2	<i>Great Lakes Committees Participation</i>	CEM	Reduced coverage of committees activities based on funding reductions during the term of the EnPPA and based on implementation and interstate interest and priorities.	WDNR has continued coverage of various committees, as time is available.
15	Mississippi River Chuck Ledin – WT/2 608-266-1956			
15.1	<p><i>Mississippi River</i> WDNR – Staff support of nutrient reductions in tributary waters and support of the recently developed “<u>Upper Mississippi River Water Quality: The States’ Approaches to Clean Water Act Monitoring, Assessment, and Impairment Decisions</u>”.</p> <p>EPA – Supports and facilitate the continued work of the Water Quality Task Force.</p>	104b directly to UMRBA	Continued support for the report and actions of the Water Quality Task Force for the Upper Mississippi basin through attendance at meetings, workshops, and conference calls and provide constructive feedback regarding the benefits of this initiative and the benefits to water quality improvements.	<p>WDNR continues to support this effort through meeting attendance, conference calls, etc.</p> <p>USEPA Regions 5&7 are providing support to the UMR Basin Association to continue UMR WQ work in FY 05. Funding should include some funds for state travel to WQTF meetings.</p>
15.2	<p>Upper Mississippi River Issues The Upper Mississippi River Basin Association and its Water Quality Task Force has completed a report entitled, “<u>Upper Mississippi River Water Quality: The States’ Approaches to Clean Water Act Monitoring, Assessment, and Impairment Decisions.</u>” This report makes several recommendations regarding actions that the States should take to continue to make</p>		Prepare the 303d and 305b reports using the designated reach segments. (Note: WDNR will use this approach for the 2004 report, if feasible. If not, WDNR will work during this EnPPA cycle to report	<p>WDNR used the “designated reach segments approach for the 2004 listing process.</p> <p>EPA reviewed WDNR’s 303(d) list and it’s listing of the segments with respect to UMRBA segmentation of the Mississippi River. Having consistent segments with bordering states is beneficial for review of the impaired segments.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	<p>progress on assuring improved water quality and cooperation among the five States in the Upper Mississippi River basin.</p> <p>WDNR - Continue to support the cooperative efforts on the Mississippi River. Use the designated reaches that were agreed upon by the UMRBA Water Quality Task Force when preparing future 303(d) or 305(b) reports. Support efforts by the UMRBA and/or others to develop a comprehensive strategy for water quality monitoring in the Upper Mississippi River basin. Support and participate in efforts that are being managed by US EPA regarding the development of biological indicators through the EMAP Great Rivers Ecosystems and the Evaluation and Development of Large River Biological Assessment Methods and Standardized Protocols projects. Support and participate in efforts by the UMRBA to initiate the dialogue on consistent fish advisories for the Upper Mississippi River.</p>		<p>using the segment approach for the 2006 report.)</p> <p>Participate, as resources allow, in strategy sessions regarding the development of a comprehensive water quality monitoring strategy, including Great and Large Rivers EMAP and REMAP efforts, for the Upper Mississippi River basin.</p>	<p>WDNR has and will continue to participate in these initiatives.</p> <p>In FY04, EPA supported three projects, that in part took place in Wisconsin, aimed at large river resources. The three projects include REMAP, 104(b)(3) and RMI. The REMAP and 104(b)(3) crews sampled the St Croix River and the RMI crew sampled the Wisconsin and St Croix Rivers along with WDNR. For FY05, the REMAP crew will sample the Wisconsin River and possibly the Chippewa.</p> <ul style="list-style-type: none"> • REMAP Development of a Probability-Based Monitoring and Assessment Strategy for Select Large Rivers within EPA Region V • 104(b)(3) Evaluation and Development of Large River Biological Assessment Methods and Standardized Protocols for Region V <p>Regional Methods Initiative (RMI) Development of Standardized Assessment Methods for Large River Macroinvertebrate Assemblages</p>
15.3	<p><i>Upper Mississippi River Nutrient Efforts</i></p> <p>WDNR – Coordinate with other state (WI) agencies and participate in committee meetings to ensure Wisconsin is represented in committee</p>		<p>Participation, as resources allow, in committee meetings/workshops held biannually or quarterly</p>	<p>WDNR has scheduled time to participate in meetings and workshops for the remainder of 2004 and in 2005.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	<p>discussions and outputs.</p> <p>EPA – Work with State environmental, natural resources and agriculture agencies and other federal agencies to promote options for a sub basin committee as called for in the Hypoxia Action Plan, with goal of having a committee operational in FY 04.</p> <p>WDNR and EPA – Continue discussions and consider if revised language should be included in the EnPPA to address cooperative efforts on the Mississippi River based on decisions and discussions that occur on November 18-19, 2003 at the Gulf of Mexico Hypoxia Task Force and other meetings and initiatives that will occur during the first year of the performance partnership agreement.</p>		(Note: Participation may be in person or by conference call as necessary based on resources.)	Region 5 is working with EPA ORD and USGS to develop sub-basin nutrient and sediment loading maps and associated information to help prioritize basins tributary to the Upper Mississippi for nutrient and sediment effort.
16	QMP Roger Larson – WT/2 608-266-2666			
16.1	Complete review of the program's part of the WDNR QMP and identify areas that need to be revised by 6/30/2005. Note - Revisions will be accomplished in the 2005 – 07 EnPPA.		Review completed and problem areas identified.	WDNR has scheduled training sessions to address the loss of the QMP coordinator position for 2004.
17	Great Lakes Beach Pathogen Monitoring. Bob Masnado – WT/2 608-267-7662. Toni Glymph – WT/2 608-264-8954			
17.1	<p>Beach Pathogens</p> <p>WDNR – Participation in work group and other public meetings to develop a comprehensive monitoring strategy, address public notification issues and respond to public inquiries related to beach health. Complete rule revisions and implementation guidance for water quality standards related to bacteria (E. Coli) – See #3.1</p>	Beach Act	Active monitoring of beach water quality along the Lake Michigan and Lake Superior shorelines at a frequency agreed to by the Beach Act Workgroup.	Completed by WDNR.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	for performance measures/outcomes and reporting information for this activity.		Public Database and Website for Enhanced Notification of Beach Health is maintained. Completed Annual Program Summary Report for EPA.	Accomplished by WDNR. 2003 report was completed on a timely basis and 2004 report is currently being compiled.
17.2	<p>BEACH GRANTS</p> <p>EPA – Work with the states on issuing and implementing their beach grants. Conduct technical reviews of state beach grant work plans to ensure performance criteria are met. Assist states with development of their beach monitoring QAPPS. Participate on conference calls. Share guidance and other informational documents. Host or participate in beach workshops and conferences to present beach program information, information on assistance EPA can provide state and local governments to reduce wet weather impacts at beaches, and examples of beach monitoring strategies employed in other state beach programs. Be available to provide assistance to states and local beach managers as questions arise as states develop and implement their beach water quality monitoring and public notification plans.</p> <p>Disseminate beach guidance documents and other informational documents to states and local beach managers; share sample beach signage, multi-lingual advisories, and other notification efforts being conducted by states at beach workshops and conferences; post links of state and local governments' sample notification efforts on</p>		Grants are issued and funds are available for expenditure prior to the beach season (April 15 of each year) for Wisconsin to the extent that EPA Headquarters and federal appropriations schedules allow.	<p>Region 5 provided Beach Grants on a timely basis to ensure that monitoring was implemented throughout the Beach Season. All activities listed were completed by WDNR and partners on a timely basis.</p> <p>Region 5 provided Beach Grants on a timely basis to ensure that monitoring was implemented throughout the Beach Season. All activities listed were completed by WDNR and partners on a timely basis.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
	EPA's Beachwatch website; assist states by providing contact information on potential database developers, participate on conference calls, and share information about STORET training for state I.T. staff to ensure states will meet the 1/31/04 beach act requirement deadline requiring submittal of beach monitoring and public notification data to EPA annually.			
18	Invitational Travel Region 5 will work with WDNR and other state agencies to identify particular critical travel.		By October 31, 2003, specific meetings and workshops will be identified along with the support to be provided for states to attend.	Region 5 has provided support for critical meetings and workshops that facilitated WDNR's involvement. This included travel to the 2004 SWiMS conference in Chicago hosted by USEPA. USEPA also provided funding for 2 WDNR employees to attend the National Beaches Conference.

H. Fisheries Management / Habitat Protection

Shared Environmental Goals - USEPA and the six States have worked closely to develop a set of five shared environmental goals to enhance our joint efforts to protect and restore our valuable water resources and to measure our accomplishments. The enumeration of measurable goals is a significant step in collectively defining our long-term vision for clean and safe water. The goals will be used to more comprehensively report on the progress in, and status of, improving water quality in the Great Lakes Region. The five agreed upon Shared Goals are:

Goal 1: All waters in Region 5 will support healthy aquatic biological communities.

Goal 2: All waters in Region 5 will support fish populations with safe levels of contaminants.

Goal 3: Designated swimming waters in Region 5 will be swimmable.

Goal 4: All people in Region 5 served by public water supplies will have water that is consistently safe to drink.

Goal 5: The quantity and quality of critical aquatic habitat in Region 5, including wetlands, will be maintained or improved.

These goals will assist EPA and Wisconsin in joint priority setting and planning to more effectively target our programmatic work.

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#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1	Waterway and Wetland Protection	State/ <u>Wetland</u> <u>Program</u> <u>Develop-</u> <u>ment</u> <u>Grant</u> <u>(WPDG)/</u> 106		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1.1	WDNR - Pursue the wetland strategy, "Reversing the Loss" for protecting and restoring wetlands (Scott Hausmann).		<p>For measures see "Reversing the Loss" and state FY2002 workplan for wetland team (or web page)</p> <p>Number of States that have achieved overall net gains of wetlands by building capacities in wetland monitoring, regulation, restoration, water quality standards, mitigation compliance, and partnership building.</p> <p>Number of watershed-based wetlands and stream corridor projects (combined 5-Star and non-5-Star projects) for which EPA has provided / contributed significant financial and technical assistance. [cumulative projects]</p>	<p>Progress report posted on WDNR wetlands website. The progress reports on the web site are not current. Although the report was close to being finalized, the Act 118 workload and loss of website management staff sidetracked its completion. We expect the website to be updated before the end of the year.</p> <p>EPA provided \$650K to WDNR for wetland mitigation study, reed canary grass control program, wetland monitoring and wetland restoration demonstration project.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1.2	WDNR - Maintain a vigorous 401 water quality certification program, including development of a compensatory mitigation system. (Scott Hausmann/Mary Ellen Vollbrecht)		Number of major projects that have been completed in States and Tribes that significantly improve the effectiveness of compensatory mitigation. [cumulative]	Compensatory mitigation program limping along using efforts of one existing staff. 2 authorized positions unfilled. Biennial program report in preparation. The lack of staff is a problem. WDNR should be encouraged to fill the two open positions as soon as possible. Lack of DNR staff to address the wetland compensatory mitigation workload will be alleviated somewhat through the imminent hiring of one full-time staff person to assist the one existing staff. This position is funded under the FY 2004 state wetland program development grant.
1.3	WDNR - Develop a comprehensive wetland assessment/monitoring program (Tom Bernthal)		Number of States where wetland condition has improved as defined through biological metrics and assessments.	Working on pilot wetland assessment for restoration and planning uses in the Milw R Basin. Groundtruthing potentially restorable wetlands map with local cooperators. Started pilot wetland assessment for pollution reduction in Mead Lake watershed. Published "Using Landsat 7 Imagery to Map Invasive Reed Canary Grass: A Landscape Level Monitoring Methodology." Developing a wetland restoration tracking system, testing tracking field sheets. Tom Bernthal participates on EPA's National Wetland Monitoring Workgroup.
1.4	WDNR - Provide technical assistance on wetlands grants, 319 grants, Section 106 water quality improvement grants, and any enforcement grants, including reviewing applications and providing assistance on new and ongoing grants.			Wetland team reviewed and approved.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1.5	WDNR - Review selected 404 Public Notices for compliance with the tenants of the Clean Water Act, and work on interagency efforts to develop and evaluate streamlined 404 permitting alternatives. Notify EPA of specific concerns regarding PN's as appropriate.		Annual report by October 1 each year which includes actions taken, violation acreage and resolution.	<p>This report will be coming out late – however everything will be in there shown in the Performance Measure column. Of the public notices reviewed, EPA said that an additional 5.25 acres of mitigation was recommended. While the COE does require mitigation for wetland losses of over 10,000 square feet, WDNR does not require mitigation. However, WDNR does and will continue to conduct compliance inspections for every authorized mitigation project (non-DOT projects). Compliance inspections, strict performance measures, financial assurances and permanent protections will assure that when mitigation is included in WDNR authorizations, it will offset wetland losses.</p> <p>EPA reviewed 8 selected public notices issued by the Corps of Engineers for areas in Wisconsin. Total wetland impacts proposed in the public notices were approximately 38 acres. Based on EPA review an additional 5.25 acres of mitigation was recommended.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
1.6	<p>WDNR - Pursue enforcement actions against significant violations of 404.</p> <p>EPA – Evaluate referrals for wetland enforcement from WDNR and initiate appropriate action.</p>		Annual report by October 1 each year which includes actions taken, violation acreage and resolution.	<p>This report will be coming out late – however everything will be in there shown in the Performance Measure column.</p> <p>EPA wetland enforcement and compliance assistance SOP encourages a routine dialogue between the State, Corps and EPA to be responsive to complaints alleging illegal filling of wetlands. In FY 04 DNR participated in 6 inspections where either a violation was reported to both the State and EPA or a jurisdictional determination was requested (Superior and Eau Claire).</p>
1.7	WDNR - Participate in Wisconsin's interagency wetlands meetings.			<p>No meetings held. Meeting has been scheduled for November 17, 2004. Region 5 supports having these meetings.</p> <p>EPA schedules interagency meetings with the St. Paul District and Wisconsin DNR to review the status of Section 404 initiated enforcement cases. For example, in October 2003, USEPA participated in a State-wide enforcement training workshop with DNR offices. A subsequent enforcement training workshop was scheduled by EPA and WDNR during FY 2004 that was recently held in October 2004 (FY 05).</p>
1.8	WDNR - Provide overall technical assistance and training opportunities in wetland program development.		Report prepared.	Wetland delineation course was conducted mid-August 2004. Numerous talks and individual technical assistance given.
2	Water Level Management Pool 8	State/106		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
2	WDNR - Monitor for sediment, nutrients, vegetation, and aquatic species as identified by WDNR. (Terry Dukerschein)			Data increments have been collected and updated in the database. All drafts of multiyear reports (vegetation, water quality, fish, and macroinvertebrates) are completed and in USGS management review, with expected release and publication of most reports in the winter of 2004/2005.
3	Lakes Partnership - Lake Water Quality Assessment	State/314/PPG		
3.1	WDNR - Technical support provided for lake and watershed management, self-help citizen lake monitoring and lake research; lake database development and report generation; lake organizational and educational assistance. (Carroll Schaal)		Annual lake reports prepared for citizen monitored lakes. ~(700)	Individual lake reports were all distributed and reports are also available on the DNR website at: http://dnr.wi.gov/org/water/fhp/lakes/lakesdatabase.asp
			All lake water quality data collected entered into lakes database and STORET.	All incoming data is being entered into the lakes database. Historical data is steadily being entered into the lakes database. In the near future, the Lakes database will become part of the Surface Water Monitoring System (SWMS). SWMS will have custom programming that will facilitate loading that data into STORET.
			Significantly enhanced lake database allows entry and reporting of lake data on line.	A database-connected web data entry form is functional as of spring '04 and can be used by staff, volunteers, and grant recipients. About 250 volunteers and staff have registered with user ids and passwords to date. All 2003 Self-Help reports were available on the web in November.
			Statewide Lake Assessment report (305b) prepared.	Text and data were provided for the report.
			Develop template for lake appraisal and assessment reports.	A format was developed and used in draft report on Lake Winnebago. Assigned LTE took a full time job mid year. Will seek replacement LTE and continue activity in 04-05.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			Final report on shoreland runoff dynamics study.	Final report can be found at http://wi.water.usgs.gov/pubs/wrir-03-4144/wrir-03-4144.pdf . Findings (coefficients) were used to develop a Riparian Export Model for use in lake planning efforts.
			Report on use of aquatic plant index as an indicator of ecosystem health.	A progress report is due at the conclusion of the summer field season.
			Annual Lake Conference held.	Held in Green Bay April 15 through 17 setting attendance records.
			Various workshops and educational events for lake organizations.	July 18 Aquatic Plant Identification Workshop, Tomahawk – 24 attendees Aug 8-10 Lake Leaders Advanced – Lake Planning Workshop, Waupaca – 25 attendees Oct. 8-9 Statewide Lake Partnership quarterly meeting – 30 attendees Jan. 14 –15 Statewide Lake Partnership quarterly meeting, Wausau.- 35 attendees Jan 31 Lake Use Planning workshop, Waukesha – 200+ attendance. May 20-21 Lake Leaders Institute, Green Lake – 30 attendees June 25 NW Lakes Workshop, Cable - ~ 200 attendees June 26 Lake Ecology Field Trip, Lake Namekagon – 30 attendees Regional staff attended numerous local lake fairs, annual meetings, and local lake educational events.
4	Sensitive Area Designations	State/106		

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
4.1	<p><i>WDNR – Sensitive Area Designations</i> – A team of professional fishery biologists, water resource specialists, wildlife biologists, and aquatic plant specialists collaborate to identify critical habitat around and within lakes and flowages. The purpose of these designations is to protect critical habitat areas for wildlife, fish and other aquatic life as well as for the preservation of natural and scenic beauty of a waterbody. These designations are incorporated into basin and local plans and are a basis for making aquatic plant management, water regulation permit, local shoreland zoning, and boating ordinance decisions. (Paul Cunningham and Carroll Schaal)</p>	State/106	<p>Select lakes to be surveyed.</p> <p>Conduct sensitive area surveys.</p> <p>Prepare maps and reports.</p> <p>Distribute reports and present results to local lake management organizations.</p>	<p>For FY 03-04 regional work plans identified and selected 19 lakes to be surveyed and 11 lakes where reports and maps were to be produced based on previously completed field work.</p> <p>These projects all are in various stages of completion.</p> <p>Regions will report on project accomplishments in Sept. at which time a comprehensive review of performance measures can be conducted.</p>
5	<i>Monitoring</i>			
5.1	<p>Baseline Monitoring - <i>WDNR - Baseline Monitoring</i> - Develop a comprehensive water resource monitoring strategy that utilizes core indicators to evaluate status and trends in statewide aquatic ecosystem health; and which reports these findings in WDNR reports. Provide an annual monitoring implementation workplan (number of monitoring sites, location of monitoring sites planned each year). [Mike Talbot (FH) and Bob Masnado (WT)]</p>	State/106	<p>Final monitoring and assessment program assessment report for 2003 by 02/28/2004.</p>	<p>Program review draft summary and regional meetings with staff done as of March, 2004. Draft submitted for internal management review and collation.</p>
			<p>Draft Water Quality Monitoring Strategy by June 30, 2004.</p>	<p>Draft strategy submitted to EPA / Region 5 on June 30, 2004</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			Final Water Quality Monitoring Strategy by 9/30/04.	WDNR ad hoc group of Administrators are leading the effort to finalize our Water Quality Monitoring Strategy. Partners, including EPA Region 5 Management, are invited to help evolve our final Strategy. Region 5 is participating on the workgroup to finalize the Strategy. WDNR is making good progress on completing the Strategy.
			Annual monitoring implementation workplan	Guidance to next biennial workplan will be produced by early Fall, pending completion of our Monitoring Strategy.
5.2	<i>Special Monitoring – Implement the Monitoring Strategy - Water Chemistry</i> WDNR - Implement the long-term trends monitoring protocol at the network of fixed stations located on flowing waterways. Conduct water chemistry investigations at specific sites or watersheds in response to biological metrics, where data is necessary to make water management decisions, and in response to inquiries. Conduct other special studies to investigate specific water chemistry parameters, problem sites, or watersheds as funding allows. [Mike Talbot (FH), Bob Masnado (WT) and Jim Ruppel (WT)]	State/106	Water Quality Reports completed for chemical data (should be combined with information from other sources such as biological data.) Findings which support a change in policy or action will be written up in special reports. Include data in 305(b) report. (Chuck Ledin and Lisa Helmuth)	In progress. EPA is providing grant money to do this work. The long-term trends monitoring data will not be summarized in the 2004 report. Past chemistry data has been used in 305b assessments. Through the Surface Water Monitoring project, WDNR will be able to capture the data and provide it in future reports. EPA has provided grant money to do this.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
5.3	<p><i>Baseline Monitoring - Implement Monitoring Strategy - Wadeable Streams</i></p> <p>WDNR - Quantify and classify stream resources in the state. Assess stream habitat and fish communities, and collect macroinvertebrate samples, and assess field data; provide summary statistics describing the integrity of stream resources in Wisconsin. Continue working with EPA on monitoring designs to increase percent of waters assessed in the State. [Mike Talbot (FH), Bob Masnado (WT), and Mike Miller (FH)]</p>	State/106	Finalize a GIS database to quantify and classify stream resources to facilitate a probability-based sampling strategy.	GIS coverages have been developed to quantify the numbers and miles of perennial and intermittent streams by stream order, and surrogate measures of stream cold water and warm water (using codified trout streams to define cold water). GIS classification of stream numbers and miles for high and low gradient streams.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			Continually refine field protocols and guidance documents based on collected data and implement changes by the following data collection season.	<p>StreamsTeam has been meeting routinely to refine field protocols, data collection and data capture. Macroinvertebrate field and lab protocols are currently being evaluated to determine which field and lab methods provide optimal discriminatory power in detecting stream impairment.</p> <p>All sites for the national study have been surveyed and all stream habitat data and water chemistry samples have been collected and samples and data has been submitted to EPA. The invert samples that were collected as part of the national study will be taxonomically analyzed and all data submitted to EPA by March of 2005. The additional stream sites that are part of the statewide assessment will be sampled in the summer of 2005.</p> <p>USEPA awarded funding to conduct the wadeable streams assessment by Wisconsin that will provide data for a nation-wide assessment and sufficient additional sites to assess all wadeable streams in Wisconsin. EPA worked with the State on the appropriate design and provided other methods and QA information.</p>
			Review field data being collected to optimize sampling strategy.	Spatial distribution of Baseline sampling effort has been documented, and cursory analyses of streams sampled by key strata (big - small, warm-cold) have been conducted.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			Compile summary statistics documenting the status and trends in stream resource integrity.	Geographic summarization of Baseline stream macroinvertebrate and fish IBI scores have been conducted. Automation of habitat data quality-scores has been problematic and habitat index scores have not been summarized. Data quality and site selection bias continue to impede meaningful statistical analyses.
			Draft reports on the status of Wisconsin's stream resources. Include data in 305(b) report. (Chuck Ledin and Lisa Helmuth)	WDNR has river monitoring project summaries for the river grants program (state funds) available. WDNR did not include these summaries in the 305b report
			Report on REMAP streams project. (Mike Miller)	All REMAP field data has been collected, some data has been analyzed and finalization of all lab analyses will be completed in the fall of 2004 and data analysis efforts with EPA-ORD staff will begin in the winter of 2004-2005.
			Conduct monitoring on 30-40 new lakes; 15 river sites per year. This belongs with 5.4 below.	

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
5.4	<p><i>Baseline Monitoring and Special Studies – Fish Contaminant Monitoring</i></p> <p>WDNR – Determine concentrations of bioaccumulative pollutants in fish flesh for protection of human health, source investigation, trend monitoring, and remedial activities. (Fish contaminant monitoring and consumption advisory) – [Mike Talbot (FH), Bob Masnado (WT), and Candy Schrank (FH)]</p>	State/106/ plus other funds supporting field collections	<p>Conduct monitoring on 30-40 new lakes; 15 river sites per year.</p> <p>Percentage of the water miles/acres identified by States or Tribes as having a fish consumption advisories in 2002 where increased consumption of safe fish is allowed. (485, 205 river miles, 11,277,276 lake acres)</p> <p>Number of States and authorized Tribes that have adopted the new fish tissue criterion for mercury.</p>	<p>Fish Collections – During the period of July 2003 to June 2004, fish samples were collected according to the 2003 collection schedule but the tally is incomplete at this time. For calendar year 2003, approximately 750 samples were collected from 92 locations in about 54 waterbodies. Fish were collected by coordinating with a variety of field activities supported by a variety of funding sources.</p> <p>In 2003, 14 samples were collected for EPA's National Study of Chemical Residues from 5 sites. In January 2004, WI DNR sent in the 2003 samples for this study from 5 waterbodies bringing the total number of sites to 14 where we collected and submitted fish to EPA for the National Study.</p> <p>Fall 2003 fish requested for EPA's Great Lakes Trend programs were collected from Lake Michigan and shipped to EPA's contract lab in February 2004 for 2 of 3 sites. Fish from one site are being processed and will be shipped in August 2004. DNR is still awaiting the results from EPA for these Great Lake trend samples.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			Data and associated information is entered into the WI DNR fish contaminant database as soon as information is available on field collections and results are returned from the analytical labs.	<p>As written this outcome doesn't make sense and is not possible given the time it takes to collect, ship, process, complete analysis of all chemical parameters and verify the results. A revised performance measure and outcome is suggested (see left column): "Fish contaminant sample information and results are entered into the Wisconsin Department of Natural Resources Fish and Sediment Database upon receipt of samples at the processing lab and upon completion of analytical tests." Fish contaminant sample information and results are entered into the Wisconsin Department of Natural Resources Fish and Sediment Database upon receipt of samples at the processing lab and electronically upon completion of analytical tests. It is an illogical and impossible outcome that information be entered before the 'following collection season' because collections are continuous and there is a greater time lag between collection time and completion of analysis.</p> <p>Results - From July 2003 to June 2004, fish were processed into samples and analytical results were completed for approximately 748 samples. Analytes included mercury (n=785), PCBs (n=314), dioxins/furans (n=6), and other compounds. Processing and analysis of fish is achieved using a variety of funding sources including state GPR, EPA, and other special funds. Analyses were conducted under the WDNR/SLOH basic agreement and by contract by the Wisconsin State Laboratory of Hygiene(SLOH) and Triangle Laboratories, Inc/Eno River Labs. Results are stored in the WI DNR fish and sediments contaminant database.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			Fish contaminant data reports completed. Findings which support a change in policy or action will be written up in special reports.	A report summarizing the data reviewed and resulting changes to advisories was completed. No policy changes were warranted at this time. Other - Information on fish contaminant monitoring and fish advisories was provided for the Department's draft 305b report. Also, EPA's annual national survey was completed.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
			Issue annual fish consumption advisory.	<p>Advisory - In spring of 2004, the fish consumption advisory was updated based on newly verified PCB, dioxin/furan, and mercury data for samples primarily collected in 2001-2002. This update is available on the DNR web site and as a booklet (40,000 originally printed using EPA funds). A press release was issued highlighting the web site update and availability of the booklet. Information on obtaining the full advisory is also included in our fishing regulation booklet. Review consisted of new data on multiple chemicals for 27 areas including sections of several major rivers and the Great Lakes and new mercury data for 93 waters (including 16 newly tested sites and 59 Great Lakes Indian Fish and Wildlife Commission (GLIFWC) sites). Minor changes in advice for some species from 10 water segments were necessary based on the new data in context of existing data. As a result of this update, 49 river stretches carry site specific advice for fish with due to PCBs and other organic chemicals and 92 waterbodies have site specific advice due to higher concentrations of mercury in addition to the statewide general consumption advice. The advisory booklet also includes expanded information on consumption of fish purchased from stores and restaurants and refers to the new FDA/EPA national consumption advice.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
5.5	<i>Baseline Monitoring – Lakes and Baseline Monitoring – Non-Wadeable</i> - these activities were removed last year because we report on them to the USFWS on measures and compliance. [Mike Talbot (FH), Bob Masnado (WT), Tim Simonson (FH) and Brian Weigel (SS)]	State/ USFWS/ SFR	<p>Include lakes monitoring in the water quality monitoring and assessment strategy.</p> <p>Include data from lakes monitoring in 305(b) report. (Chuck Ledin and Lisa Helmuth)</p>	<p>Lakes Monitoring efforts will be described in our updated Monitoring Strategy.</p> <p>Lakes monitoring data has been incorporated in 305b assessments. Future surface water monitoring systems development will provide a way to readily include rivers and lakes baseline monitoring in future 305b reports</p>
5.6	<i>Baseline Monitoring – Mississippi River</i> Implement monitoring on the Mississippi River [Mike Talbot (FH), Bob Masnado (WT), Ron Benjamin (FH), and Terry Dukerschein (FH)]	State/ LTRMP/ PPG/SFR	<p>Wisconsin has existing monitoring strategy being implemented in partnership with COE and USGS.</p> <p>Reference the Mississippi River in the state-wide monitoring/assessment strategy when developed.</p> <p>Include data in Mississippi River water quality reports and in 305(b) report (Chuck Ledin and Lisa Helmuth)</p>	<p>WDNR staffs in LaCrosse have continued to support the LTRM effort and provide data to support the EPA information needs.</p> <p>Under development.</p> <p>Mississippi River data is included in the 2004 305b report</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
5.7	Great Lakes – Lake Michigan and Lake Superior [Mike Talbot (FH) and Bob Masnado (WT)]	State	<p>WDNR works with agencies surrounding the Great Lakes to implement a monitoring strategy coordinated by the Great Lakes Fisheries Commission.</p> <p>Reference the Great Lakes strategy in the state-wide monitoring/assessment strategy when developed.</p> <p>Include Great Lakes data in the 305(b) report. (Chuck Ledin and Lisa Helmuth)</p>	<p>The Great Lakes Program office, led by Chuck Ledin, will be providing direction for Great Lakes monitoring.</p> <p>Under development.</p> <p>Great Lakes Data is included in the 2004 305b report.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
5.8	STORET WDNR – Continue to work with EPA to resolve STORET issues for entering data.	State	<p>Water quality data and associated meta-data are entered into STORET system before the following data collection season. THE USE OF STORET HAS NOT BEEN RESOLVED YET. WDNR is currently one year behind. WDNR staff will be consulting EPA, (hopefully before the end of the October 2003) as the position previously performing these functions was eliminated and we have issues that need to be resolved. (Nancy Nate).</p> <p>Provide chemical, biological and physical water data from WDNR's system to EPA upon request.</p>	<p>Monitoring station application is under development and will be in production by March 2005. This application will significantly reduce data rejects and problems with STORET stations</p> <p>Table consolidation (the new Surface Water Monitoring System – SWMS) for monitoring data is occurring and this will provide better staff use of onsite data and more accurate data flow to EPA</p> <p>USEPA provided routine customer support via the STORET Team (e.g., answering questions by phone/email/etc.) and funded the travel of one Wisconsin staff person to attend the 2004 STORET conference.</p>

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
5.9	<p><i>Large Rivers Bioassessment Project</i> WDNR – Work with ORSANCO and other partners to (1) evaluate methods used for large river biological assessments; (2) evaluate methods used for Large River biological assessments, (3) assess the condition of Large Rivers within the Region, and (4) assess the conditions of wadeable streams in the Region as part of the national probabilistic study.</p> <p><i>Continue working with EPA in jointly reviewing the State's bioassessment program against the national guidance on what constitutes an adequate bioassessment program and identifying areas that need additional attention. Evaluate EPA information on large river bioassessment for possible inclusion in Wisconsin's monitoring and assessment strategies. Mike Talbot (FH), Bob Masnado (WT), and Brian Weigel (SS)]</i></p> <p>EPA – Update WDNR on large river biological assessments and the national probabilistic study used to assess wadeable streams..</p>		<p>Continue current participation in Large Rivers work. (Note: does not require Wisconsin field work or report development unless the State chooses to alter participation in the future.)</p> <p>Review and evaluation of state's bioassessment program.</p>	<p>Brian Weigel (ISS) and John Sullivan (LaCrosse) have provided assistance as needed.</p> <p>This review and evaluation is ongoing as part of the efforts to update our Monitoring Strategy.</p> <p>In FY04, EPA supported three projects that, in part, took place in Wisconsin, aimed at large river resources. The three projects include REMAP, 104(b)(3) and RMI. The REMAP and 104(b)(3) crews sampled the St Croix River and the RMI crew sampled the Wisconsin and St Croix Rivers along with WDNR. For FY05, the REMAP crew will sample the Wisconsin River and possibly the Chippewa.</p> <ul style="list-style-type: none"> • REMAP Development of a Probability-Based Monitoring and Assessment Strategy for Select Large Rivers within EPA Region V • 104(b)(3) Evaluation and Development of Large River Biological Assessment Methods and Standardized Protocols for Region V • Regional Methods Initiative (RMI) Development of Standardized Assessment Methods for Large River Macroinvertebrate Assemblages.

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
5.10	Participate on the Bioassessment/Biocriteria workgroup. (Mike Miller)		Participation in national probabilistic study directly or as part of Region 5-wide effort. (Note: State will be able to choose whether to conduct field work itself or to work indirectly through other groups).	Region 5 hosted a meeting of the Bioassessment/Biocriteria workgroup in Feb 2004, and WDNR attended.
5.11	<p>Participate in planning of and attend 2004 SWiMS meeting</p> <p>EPA - EPA considers the annual Surface Water Monitoring and Standards (SWiMS) meeting to be a critical link between the State and Federal surface water programs in Region 5. Accordingly, EPA will make every effort to ensure that the appropriate regional staff from affected programs attend and participate in the meeting and its planning. Similarly, to ensure the success of this important forum for exchanging ideas and advancing the program, EPA expects States will send appropriate representatives to SWiMS with experience in a broad spectrum of applicable programs (e.g., water monitoring, water quality standards, reporting/assessment, fish contaminant monitoring, etc.). To encourage and facilitate full participation EPA will provide travel funding for at least 2 WDNR staff members. [Mike Talbot (FH), Bob Masnado (WT), and select staff]</p>		Participation on SWiMS planning committee; attendance of state water quality monitoring, standards and assessment staff/managers at SWiMS	<p>Mike Talbot could not attend because of conflicts in work schedule.</p> <p>Region 5 hosted the 2004 SWiMS conference in Chicago and provided travel funds for one WDNR employee to attend.</p>
6	QMP			

#	WDNR and/or Region 5 Activity	Funding Source	Performance Measures or Outcomes	WDNR and/or Region 5 Evaluation FY'04
6.1	Complete review of the program's part of the WDNR QMP and identify areas that need to be revised by 6/30/2005. Note - Revisions will be accomplished in the 2005 – 07 EnPPA.		Review completed and problem areas identified.	Mike Talbot has contributed and reviewed FH program portion of QMP prepared by Bureau of Integrated Science Services staff.
7	<i>Invitational Travel</i> Region 5 will work with WDNR and other state agencies to identify particular critical travel.		By 10/31/03, specific meetings and workshops will be identified along with the support to be provided for states to attend.	

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APPENDIX A - Overview of the National Environmental Performance Partnership System

The National Environmental Performance Partnership System (NEPPS) was created in an Agreement between USEPA Administrator Carol Browner and the Environmental Council of the States (ECOS) titled "Joint Commitment to Reform Oversight", signed on May 17, 1995. This new approach reflects the advances made in environmental protection in the United States over the past two decades and recognizes that existing policies and management approaches must be modified to ensure continued environmental progress. It outlines a way for USEPA and States to work together, each according to their strengths in directing scarce public resources toward improving environmental results, allowing States greater flexibility to achieve those results while maintaining accountability and increasing reliance on measurement of environmental results. NEPPS recognizes that strong State performance should be rewarded with reduced oversight and increased flexibility.

Key components of NEPPS are:

- Increased Use of Environmental Goals and Indicators
- New Approach to Program Assessments by States
- EnPPAs
- Differential Oversight
- Public Outreach and Involvement
- Joint System Evaluation

EnPPAs are the product of a joint planning and priority-setting dialogue between states and USEPA Regional offices based on the analysis and strategic directions being set by USEPA national and regional program managers and the states. The general expectation is that mutual agreement will be reached and that participating programs will embark on self-management. Senior program management from the State and the Regional office will structure and lead this dialogue to set priorities, directions and reach final agreement. Self-assessments will be reviewed and considered during this dialogue. USEPA has agreed to work with all States, using the new NEPPS, to reach agreements that are based increasingly on an assessment of environmental conditions and needs in each state.

APPENDIX B - TABLE IDENTIFYING EnPPA RESPONSIBILITIES AND ACTION DATES

EnPPA and Work Planning Schedule and Critical Dates for **July 1, 2003 through June 30, 2004**

Activities / Dates	7/03	8/03	9/03	10/03	11/03	12/03	1/04	2/04	3/04	4/04	5/04	6/04
New FY'04-05 EnPPA Signed		X										
Region 5 And WDNR Programs Identify Needed Changes For The FY'05 EnPPA						X XX	XX					
Region 5 and WDNR Teams Meet To Identify Revisions That Are Needed For The FY'05 EnPPA								XX X				
Region 5 and WDNR Programs Develop Revisions To The FY'05 EnPPA									XX X	XX X	XX	
All Region 5 And National Program Guidance Shared With WDNR										X	X	
Dialog Between Region 5 And WDNR Programs On Priorities Prior To The Start Of WDNR Developing Workplanning											XX X	

Activities / Dates	7/03	8/03	9/03	10/03	11/03	12/03	1/04	2/04	3/04	4/04	5/04	6/04
Guidance												
Revisions To The FY'05 EnPPA Approved											X	X
WDNR Division Workplanning and Management Teams Start To Develop Division Workplanning Guidance For FY'06-07												XX

Note: The use of "X" in the chart is to indicate the relative time frame for a needed activity.

EnPPA and Work Planning Schedule and Critical Dates for **July 1, 2004 through June 30, 2005**)

Activities / Dates	7/04	8/04	9/04	10/04	11/04	12/04	1/05	2/05	3/05	4/05	5/05	6/05
WDNR Division Workplanning and Management Teams Continue To Develop Division Workplanning Guidance For FY'06-07 (continued from 6/04)	XX X	XX X	XX X	XX X								
Revisions To The FY'05 EnPPA Are Implemented	X											
WDNR EnPPA SAR Development (FY'04)	XX X	XX										
Region 5 EnPPA SAR development And Review (FY'04)		XX	XX									
WDNR finalizes Region 5 And WDNR EnPPA SAR (FY'04)			XX	XX								
Region 5 And WDNR Develop JPs For FY'06-07 EnPPA				XX X	XX X	XX X						
WDNR Divisions Approve FY'06-07 Workplanning Guidance					XX							

Activities / Dates	7/04	8/04	9/04	10/04	11/04	12/04	1/05	2/05	3/05	4/05	5/05	6/05
WDNR Division FY'06-07 Workplanning Guidance Issued to Programs						XX						
WDNR Programs Develop FY'06-07 Draft Workplans						X	XX X	XX X	XX			
First Region 5 And WDNR EnPPA FY'06-07 Negotiating Meeting							XX					
Second Region 5 And WDNR EnPPA FY'06-07 Negotiating Meeting									XX			
All WDNR Organizational Units Submit FY'06-07 Draft Workplan to their Division									XX			
All Region 5 and EPA National Program Guidance shared with WDNR for EnPPA										X	X	
Final Region 5 and WDNR FY'06/07 EnPPA Negotiating Meeting											XX	

Activities / Dates	7/04	8/04	9/04	10/04	11/04	12/04	1/05	2/05	3/05	4/05	5/05	6/05
Draft WDNR FY'06-07 Workplans are further developed through Internal and External Input										XX X	X	
Region 5's Senior Management and WDNR's Department's Leadership Team (DLT) Approves FY'06/07 EnPPA											XX	
WDNR DLT Approves Final FY'06-07 Workplans											XX	
New FY'06-07 EnPPA signed												XX

APPENDIX C – WDNR / Region 5 Contacts

The WDNR work planning efforts are not part of this document. However, arrangements can be made to review summaries or obtain parts of the work plans by contacting the following individuals.

Air & Waste Division Work Planning

Air & Waste Division Work Planning Coordinator, Bill Baumann, at (608) 267-7542 or E-mail baumaw@dnr.state.wi.us.

or

Air Management - Kathleen Mullen, Wisconsin Project Officer, USEPA Region 5 Air Division, mail code AR-18J, 77 West Jackson Boulevard, Chicago, Illinois 60604 - (312) 886-6074

Waste Management (RCRA Subtitle C - Hazardous Waste) – Denise Reape, USEPA Region 5 Waste Management Branch, mail code DRP-8J, 77 West Jackson Boulevard, Chicago, Illinois 60604 – (312) 353-7925

Remediation and Redevelopment:

(Superfund) – Suzanne Coll, USEPA Region 5 Superfund Division, mail code SM-5J, 77 West Jackson Boulevard, Chicago, Illinois 60604 - (312) 886-6044

RCRA Subtitle C - Corrective Action and RCRA Subtitle I - UST/LUST) - Richard Traub, Section Chief, USEPA Region 5 Waste, Pesticides and Toxics Division, mail code DR-7J, 77 West Jackson Boulevard, Chicago, Illinois 60604 - (312) 353-8319

Water Division Work Plan

Water Division's Work Planning Coordinator, Suzan Acre, at (608) 267-7613 or E-mail suzan.acre@dnr.state.wi.us.

or

Water Division – Jori Spolarich, State Project Manager, USEPA Region 5 Water Division, mail code WS-15J, 77 West Jackson Boulevard, Chicago, Illinois 60604 - (312) 353-9530

APPENDIX D - Public Outreach and Involvement

A. Integrated Work Planning System (IWPS) contains the actual plans and processes for public involvement in WDNR's environmental programs. Public outreach and involvement is being done routinely in carrying out the individual program's work plans. By widely adopting the IWPS, WDNR has shown its commitment to public involvement at the local level.

B. Public Comment on the Draft EnPPA

Background

WDNR and Region 5 believe that public involvement in the development of the EnPPA is important, however, the public has shown little interest. This has also been a problem for other states and other USEPA Regions. The only time the public seems interested in the EnPPA is when other environmental issues have been of interest.

With the last couple of EnPPAs, different approaches to involve the public were tried, but proved to be unsuccessful. These included:

- Sending news releases that briefly explained the EnPPA and requesting public comment on the draft EnPPA.
- Sending letters (mail and e-mail) to targeted groups that explained the draft EnPPA and requesting public comment.
- Placing the draft EnPPA on the WDNR web site and again requesting comments.
- Posting of the executive summary and EnPPA and annual SARs on WDNR's web site.

Approach for the 2003 – 2005 EnPPA

Rather than try to involve the public in the entire EnPPA, an effort was planned to focus on specific areas which may be important to the public. These were expected to be JPs and one or two areas in each program. A summary of the JP or program area was to be developed and would include a description (work efforts and partnering), outputs/outcomes, why the public might be interested, a list of potential interested parties and staff leads (WDNR/Region 5). Comments would then be solicited and comments would be sent directly to the staff leads (electronic submittals would be encouraged).

WDNR staff leads would be expected to electronically send their issue(s) to appropriate stakeholders. Specific areas were then to be placed on WDNR's web site for comments.

WDNR JP and program staff leads then be expected to capture the comments, develop responses and share their summary with the commentors (electronically if possible) and with the WDNR and Region 5 EnPPA Team Leaders so that comments and responses could be added to the appendix F in the final EnPPA.

Unfortunately, this plan failed to come to fruition. Wisconsin changed Governors in January of 2004 and the State had a 3.2 billion dollar deficit looming in the proposed FY'04 and FY' 05 biennial budgets. The results of the proposed deficit were delays in the budget finalization processes, WDNR work plans, Region 5 and WDNR programs charts and staff being laid off at

WDNR. Thus, timing did not allow this public input process to proceed and still obtain both Agencies approval by September 30, 2004.

C. Posting the EnPPA, updating the EnPPA and sharing the SAR

It is the hope that by posting the EnPPA and EnPPA/SAR on the WDNR web site, the public and stakeholders can follow both Agencies progress on activities and outcomes and partnering efforts. The following approach will be followed:

- Post the new FY'04/05 EnPPA on the WDNR web site about September 30, 2003.
- Post the final FY'03 EnPPA/SAR (containing Region 5 and WDNR Self-Evaluations) on the WDNR web site about November 15, 2003.
- Post the revised FY'05 EnPPA with all the changes that are a result of agency agreed to revisions to the EnPPA on the WDNR web site about July 1, 2004.
- Post the final FY'04 EnPPA/SAR (containing Region 5 and WDNR Self-Evaluations) on the WDNR web site about November 15, 2004.

D. Other Ongoing Involvement During the Life of the EnPPA

Examples of tools that will be used include updates (such as fact sheets, news releases or reports) on environmental progress in the State, standing partnership teams, solicitation of comment and public notice of significant activities and decisions. In addition, public availability sessions will be held at least once a year to "report out" on environmental progress. Region 5 and WDNR will seek public feedback and this feedback will be used in future decision-making.

APPENDIX E - Definitions

Categorical Grant Work Plans - Categorical grant refers to specific federal funds awarded to states for specific types of work. These national USEPA grants are distributed annually to states using allocation formulas. Each state negotiates an annual categorical work plan with USEPA that lists the federally funded activities the state will carry out.

Department Leadership Team (DLT) - WDNR Secretary, Deputy Secretary, Executive Assistant, Division Administrators, Regional Directors responsible for providing strategic direction to the agency and implementing policies established by the Natural Resources Board.

Environmental Indicators - These are measures of environmental integrity that demonstrate the effectiveness of environmental protection efforts

Environmental Performance Partnership Agreement (EnPPA) - A strategic document containing a joint statement of priorities and goals negotiated between a state and USEPA.

Integrated Work Plan System (IWPS) - The WDNR work planning process resulting in a uniform product that supports the agency mission and focuses on customer needs. This biennial planning process addresses identified problems, establishes clear work planning direction on work priorities and objectives, facilitates program integration, establishes accountability for implementation and allows adjustments to account for new information or changes in available resources.

Joint Priorities (JPs) - Joint priorities are common elements of both Agencies strategic direction that benefit from the commitment of joint resources and require joint planning to be effectively and efficiently addressed. Performance measures for each Agency are set for each JP. Reporting on these measures is a required component of the Self Assessment Report for each Agency.

National Environmental Performance Partnership System (NEPPS) - A set of basic principles jointly developed by USEPA and states. These principles include increased use of goals and indicators, EnPPAs, self assessments, differential oversight, public outreach and joint evaluations.

Performance Measure - Performance measures are quantitative and qualitative references used to determine progress toward goals. There are several "types" of performance measures in the EnPPA:

Performance Measures for Joint Priorities - Measures used to evaluate whether Region 5 and WDNR are making progress on the joint priorities in the EnPPA. Performance measures are negotiated as part of the EnPPA and are included in the annual Self Assessment Report.

National Core Performance Measures - Focused and limited set of measurable priorities identified by USEPA national program managers for inclusion in each state EnPPA that are part

of a framework designed to focus performance on environmental results. The elements of that framework include:

- **ENVIRONMENTAL GOAL** - Desired state of the environment, including ecosystems and environment-related human health or a reduction in pressures on the environment that we are ultimately seeking to achieve.
- **ENVIRONMENTAL OBJECTIVE** - A target level of performance expressed as a tangible, measurable objective against which actual achievements can be compared. These are the measurable environmental end-points comparable to the milestones in the national environmental goals report.
- **PROGRAMMATIC OBJECTIVES** - Desired results of program actions as manifest outside the program/organization.
- **PROGRAM ACTIVITIES** - A specific activity or project that contributes to program implementation; a product of the program/organization.
- **CORE PERFORMANCE MEASURES** - Core performance measures are designed to promote managing for environmental results. These essential measures are the principal means for ensuring that sound program accountability is achieved. Three types of measures work in concert to account for program performance. These are Core Environmental Indicators, Core Program Outcome Measures, and Core Program Output Measures. Over time, greater emphasis will be placed on environmental indicators and outcome measures as these become available and are used. Accordingly, output measures are to be de-emphasized over time.
- **CORE ENVIRONMENTAL INDICATORS** - A quantitative measure, over time, of progress toward achieving environmental objectives; expressed as changes in ambient concentrations of pollutants, in pollutant uptake or body burden, or in terms of health, ecological or other effects of pollutants.
- **CORE PROGRAM OUTCOME MEASURES** - Quantitative measures of external behaviors by the public or regulated community that are caused, at least in part, by government programs. These measures are expressed as actions by pollution sources or by changes in emission or discharge quantities.
- **CORE PROGRAM OUTPUT MEASURES** - Quantitative or qualitative measure of program activities that are important work products or actions taken by states or EPA during a defined time period.

Region 5 Agenda for Action - USEPA Region 5 strategic document that identifies environmental priorities, principle geographic places of concern, and critical approaches that the Region will use to address their strategic priorities.

Secretary's Issues - Significant issues requiring the attention of WDNR's Senior Management Team to resolve. These usually have the following characteristics: are broad in scale and magnitude; require contributions from multiple program areas; cross division and region boundaries; and are performance or services oriented. Secretary's issues have defined goals, performance measures and require an issue sponsor, collaboration with partners and allocation of resources through the Integrated Work Planning System.

Self Assessment Report (SAR) - The WDNR SAR reports on the status of all aspects of the environmental management programs (Air, Water, etc.) covered by the EnPPA for those portions of WDNR environmental programs funded in part or in total by federal grant money from USEPA. This report will address activities conducted to accomplish the Agencies' JPs and program priorities and evaluate whether those actions satisfy the federal program obligations. The report will highlight areas of success and recommend improvements where necessary. Routine reporting requirements, as agreed to in IWPS work plans, will be conducted throughout the year with status summaries on this activity included in the WDNR SAR. The WDNR SAR will not fulfill all federal grant requirements or fiscal reporting responsibilities.

USEPA's SAR will provide an evaluation of contributions to achieve JPs and of support provided to WDNR programs.

APPENDIX F – Innovative Strategies MOA between Region 5 and WDNR

Memorandum of Agreement Between the Wisconsin Department of Natural Resources and the United States Environmental Protection Agency Concerning Implementation of the Joint State/EPA Agreement to Pursue Regulatory Innovation and the Wisconsin Environmental Cooperation Pilot Program – March 25, 1999

I. Statement of Intent

The United States Environmental Protection Agency Region 5 (EPA) and the Wisconsin Department of Natural Resources (WDNR) agree on the need to experiment with new approaches to improve our nation's environment. These new approaches can help us identify cleaner, cheaper, smarter ways to ensure that all Americans enjoy a clean environment and healthy ecosystems. EPA and WDNR are committed to working in an open and collaborative atmosphere to encourage, pursue, and test new ideas that work towards achieving our environmental goals and enhanced environmental performance.

This Memorandum of Agreement (MOA) is entered into by the Regional Administrator of EPA Region 5 and the Secretary of WDNR. It will guide the working partnership of both agencies in fulfilling the principles of the Joint State/EPA Agreement to Pursue Regulatory Innovation, dated March 25, 1998, and the objectives of the Wisconsin's Environmental Cooperation Pilot Program: to pilot and evaluate innovative environmental regulatory methods.

This partnership fosters an environment in which WDNR innovations are supported and encouraged in order to develop better ways of achieving environmental and ecosystem goals. As the front-line delivery agent for environmental programs, WDNR has first hand knowledge of the environmental problems, facility issues, and community concerns that puts it in a unique position to develop practical solutions that are environmentally protective as well as efficient and effective. EPA seeks to support WDNR's efforts with timely input and consultation that demonstrates openness and flexibility while observing requirements of the federal statutes. Implementation of this agreement will be carried on in a manner consistent with WDNR's responsibilities under delegated, authorized or approved programs. When a pilot implemented under the Wisconsin Environmental Cooperation Pilot Program requires an experimental change to one of these programs, the agencies will determine what procedural requirements are necessary to effect such a change and will comply with them.

WDNR and EPA agree that the implementation of this agreement will be one of continual improvement, assessment, and adjustment. It will require on-going communication to ensure the success of the innovation projects.

This Memorandum of Agreement will remain in effect for the duration of the Wisconsin Environmental Cooperation Pilot Program. This agreement is not intended to supercede any other agreement between EPA and WDNR

II. Principles for WDNR/EPA Regulatory Innovations

WDNR and EPA agree to the set of basic overarching principles set forth in the Joint State/EPA Agreement to Pursue Regulatory Innovation. (This agreement can be requested from WDNR or EPA or accessed electronically at: www.epa.gov/reinvent/ecos/ecos498a.htm) The agencies shall use these principles to guide the partnership as it develops, tests, and implements regulatory innovations. These principles are:

Experimentation: Innovation involves change, new ideas, experimentation and some risk of failure. Experiments that will help us achieve environmental goals in better ways are worth pursuing when success is clearly defined, costs are reasonable, and environmental and public health protections are maintained.

Environmental Performance: Innovations must seek more efficient and/or effective ways to achieve our environmental and programmatic goals, with the objective of achieving a cleaner, healthier environment and promoting sustainable ecosystems.

Smarter Approaches: to reinvent environmental regulation, regulators should seek creative ways to remedy environmental problems and improve the environmental protection system, and be receptive to innovative, common sense approaches.

Stakeholder Involvement: Effective stakeholder involvement produces better innovation projects and catalyzes public support for new approaches. Stakeholders must have an opportunity for meaningful involvement in the design and evaluation of innovation. Stakeholders may include other state/local government agencies, the regulated community, citizen organizations, environmental groups, and individual members of the public. Stakeholder involvement should be appropriate to the type and complexity of the innovation proposal.

Measuring and Verifying Results: Innovations must be based on agreed-upon goals and objectives with results that can be reliably measured in order to enable regulators and stakeholders to monitor progress, analyze results, and respond appropriately.

Accountability/Enforcement: for innovations that can be implemented within the current regulatory framework, current systems of accountability and mechanisms of enforcement remain in place. For innovations that involve some degree of regulatory flexibility, innovators must be accountable to the public, both for regulatory requirements that replace existing regulations and for meeting commitments that go beyond compliance with current requirements. Regulators will reserve full authority to enforce alternative regulatory requirements to ensure that public health and environmental protections are maintained, and must be willing to explore new approaches to establish accountability for beyond-compliance commitments.

State-EPA Partnership: The State and EPA will promote innovations at all levels to increase the efficiency and effectiveness of environmental programs. We must work together in the design, testing, evaluation and implementation of innovative ideas and programs, utilizing each other's strengths to full advantage.

III. The Wisconsin Environmental Cooperation Pilot Program

This Memorandum of Agreement defines how EPA and WDNR will work together in developing and implementing innovations under the Wisconsin Environmental Cooperation Pilot Program ("Program"). This section of the MOA sets forth the goals of the Program. The entire text of the Wisconsin Environmental Cooperation Pilot Program statute (section 299.80, Wis. Statutes) is provided as Attachment One.

WDNR has been authorized to develop up to 10 pilot projects with companies from a variety of business sectors willing to test an alternative to the traditional command and control regulatory approach. WDNR will enter into these agreements with companies that embody a whole-facility, multi-media approach to environmental protection building off an environmental management system (EMS). One of the main goals is to establish a collaborative process involving business, government and the public in order to reach consensus that is a "win" for each. WDNR will recognize superior environmental performance by providing flexibility in certain regulatory procedures. In addition, WDNR will determine if the cooperative agreement pilot program would

be effective in helping companies that are not top performers improve their performance, gain more for the environment, and provide positive lessons for similar situations elsewhere. Under the Wisconsin Environmental Cooperation Pilot Program statute, the cooperative agreements to evaluate innovative environmental regulatory methods are required to meet the following goals:

- Provide at least the same level of protection of public health and the environment as current regulations
- Encourage systematic assessment of direct and indirect environmental impacts
- Encourage efficiency and cost-effective, verifiable pollution reduction strategies
- Encourage superior environmental performance, minimize transfers of wastes and achieve a balance among economic, social and environmental impacts
- Recognize and reward leading companies
- Encourage the transfer of information
- Consolidate permitting and approval requirements
- Grant regulatory flexibility
- Reduce governments' and the facility's transaction costs for paperwork and other administrative tasks
- Encourage public participation and consensus
- Improve public information and access to performance information
- Encourage facilities to work with communities
- Increase trust amongst government, facility owners/operators and the public

These goals serve to develop a system of environmental protection that can achieve environmental goals in better ways (cleaner, cheaper, smarter) while maintaining environmental and public health protections.

The Wisconsin statute is consistent with the essence of the principles set forth in the ECOS/EPA agreement. Section 299.80(6)(a), Wisconsin Statutes, delineates that WDNR shall consult on this program with EPA. WDNR and EPA Region 5 have signed an environmental performance partnership agreement covering the 1997-99 state fiscal years. In this agreement, Innovative Environmental Strategies is elevated as a joint priority for both WDNR and Region 5 EPA. The Cooperative Agreement Pilot Program is part of this joint priority. Work on this program will be carried over into subsequent performance partnership agreements.

IV. Roles and Responsibilities of WDNR and EPA

The Environmental Cooperation Pilot Program is a Wisconsin program. WDNR will administer and implement the Program in conjunction and coordination with its roles and responsibilities administering existing environmental programs. It is not anticipated that EPA will be a party to cooperative agreements between WDNR and companies. However, where an agreement affects requirements of a federally delegated or authorized program, WDNR and EPA will follow the process described in Section V of this MOA to ensure that EPA is prepared to take any necessary implementing steps at the federal level.

EPA's role is to work with WDNR — when federal involvement is needed or would be helpful — in developing, implementing, monitoring, and evaluating Program innovations. When federal action is necessary for an innovation to be implemented, EPA will promptly determine what is required in order to take such action and decide whether it is prepared to take that action. This

role is in addition to EPA's existing role in administering the nation's environmental programs. Each agency will emphasize early and frequent communication, cooperation, and partnership in undertaking their respective roles, both existing and specific to this new Program.

WDNR will decide which companies to accept into the Program. EPA will inform WDNR, upon reviewing a company's application, of factors it believes should be considered in the selection process, including enforcement and compliance-related matters. Based on its assessment of a company's qualifications, and in consultation with WDNR, EPA will decide whether it can take an active role in developing and putting into place the mechanisms for implementing a particular pilot.

WDNR will identify any innovations it proposes to include in a cooperative agreement with a company. WDNR and EPA then will work jointly to identify and carry out any necessary procedures for implementing the innovations in a manner consistent with state and federal law as described in Section V of this MOA.

With respect to Program pilots, WDNR and EPA will work to ensure — through effective communication and collaboration — that all enforcement decisions and actions on the part of each agency are understood by and coordinated with the other agency. WDNR and EPA understand and agree that WDNR maintains primary responsibility for monitoring compliance and taking enforcement actions under delegated, approved or authorized programs. EPA will continue to carry out its enforcement responsibilities, in accordance with the *EPA and State Regulatory Framework for EMS Pilot Projects* (see Attachment Three) agreement signed by EPA and several states on May 14, 1998; retaining the right to bring enforcement actions in appropriate circumstances, but not increasing its scrutiny of a company because of its participation in the Program.

EPA will consult with WDNR before taking any action concerning a facility operating under a cooperative agreement. WDNR will inform EPA immediately upon learning through self-disclosure from a program company of a non-compliance situation and will convey how the company proposes to address the situation. The agencies' enforcement offices will consult regarding WDNR's (and EPA's) course of action. WDNR will keep EPA informed through out the course of any compliance schedule negotiated with the company.

WDNR will take the lead in developing input protocols for measuring the success of pilots with EPA and external stakeholders providing input.

V. The Process for Interagency Cooperation in Addressing Programmatic Issues and During WDNR Negotiation and Implementation of Agreements with Companies

Overview of the Process

WDNR and EPA will establish an Interagency Innovations Team (IIT), with a co-chair from each agency. IIT will be responsible for all interagency communication, deliberations, and coordination regarding implementation of innovations under the Program. IIT's co-chairs will report directly to the Secretary and Regional Administrator or their designees. It will have members representing each agency's key program offices.

IIT will work on two tracks. (1) It will address programmatic matters such as issues relating to: permit and delegated-program modification procedures, enforcement and compliance, and the content and implementation of this MOA. It will address these as they arise, outside the context of any specific pilot. (2) It will also serve as the forum for any interagency communication and deliberations during the selection, negotiation, and implementation of each Program pilot.

Programmatic Issues

WDNR and EPA recognize that successful implementation of the Program will require agreement between the agencies on how to address a number of programmatic issues. Some such issues have been identified during the negotiation of this MOA. Others are likely to arise as implementation of the Program proceeds. IIT will be responsible for assuring that these issues are addressed by the appropriate EPA and WDNR representatives in a timely manner as they arise. Programmatic issues identified to date include:

- Regulatory Flexibility
- Wisconsin's Environmental Cooperation Pilot Program statute provides for waivers and modifications to regulations, policies, guidance, and practices. Such waivers and modifications will be implemented in ways that are consistent with, and do not exceed the discretion allowed under, federal and Wisconsin statutes.
- When WDNR applies section 299.80 (4) or other provisions of the Wisconsin Environmental Cooperation Pilot Program statute to change or waive a requirement of state law that implements a federal program requirement (except a statutory requirement which cannot be waived or varied), the agencies will consult and assure that the change or waiver is made in accordance with all applicable procedural requirements and is fully enforceable. (See Attachment Two for a brief discussion of such federal procedures). Such a change or waiver will be effective once all procedures necessary to make it effective are completed.
- Assuring that WDNR/Company Agreements are Legally Binding and Enforceable

WDNR and EPA intend that cooperative agreements be constructed in a manner that is legally binding; providing clarity and assurances to the company and enforceability to the agencies. IIT will work out specific procedures and agreement formats necessary to assure this.

EPA and WDNR acknowledge that where a cooperative agreement affects requirements under a federally authorized or delegated program, the requirements of the agreement will replace those previously in effect and will become the requirements applicable to and legally binding upon the facility after all applicable procedures necessary to effectuate such a change have been completed. In order to ensure this, where such an agreement substitutes for or modifies the terms of a permit, the agencies agree to follow the procedures applicable to permit issuance or modification under applicable state law implementing a federally delegated or approved program, or any new or modified procedure the agencies subsequently develop and agree to employ on an experimental basis that is consistent with federal and Wisconsin statutes and the ECOS/EPA Agreement. The agencies agree that each cooperative agreement between WDNR and a company will be developed in such a way that, as described above, it constitutes a permit or permit modification that is enforceable under federal law.

Furthermore, where such an agreement affects the regulatory requirements of a federally authorized or delegated program, the agencies agree to follow the applicable federal procedures for rule or program changes — those existing as of the signing of this MOA or any new or modified procedures the agencies subsequently develop and agree to employ on an experimental basis that are consistent with federal and Wisconsin statutes and the ECOS/EPA Agreement. In this way, the agencies intend that any such change will be consistent with WDNR's responsibilities under delegated, authorized, or approved programs and federally enforceable. Developing New Procedures for Implementing Innovations on a Pilot Basis, EPA and WDNR agree that the IIT should explore all available procedures for cost-effectively and expeditiously

implementing innovations on an experimental basis in manners that are consistent with federal and Wisconsin statutes and the ECOS/EPA Agreement.

WDNR and EPA agree that any procedures they jointly develop to implement innovations will be used only in pilots where both agencies believe the experiment may lead to worthwhile systemic changes and that the company is an appropriate candidate for piloting such innovations. Enforcement Deferral and Compliance Schedules Pursuant to the Wisconsin Statute

WDNR and EPA agree that the enforcement deferral and compliance schedule provisions of the Program, as set forth in the Wisconsin statute and discussed below, can be implemented in a manner consistent with federal and state law. This Memorandum of Agreement incorporates by reference the opinion of the Attorney General of the State of Wisconsin, dated January 25, 1999 (see Attachment Four).

The Wisconsin Environmental Cooperation Pilot Program statute calls for Program companies to perform periodic audits and to disclose to WDNR within 45 days any violation(s) they discover. Along with the disclosure of the violation, the company must describe the actions it has or will take to correct the violations and commit to correcting them within 90 days or within a compliance schedule of up to 12 months negotiated with WDNR.

As provided in the Environmental Cooperation Pilot Program, if the company complies with this provision of the statute and the violation does not present an imminent threat, nor will it cause serious harm, to public health or the environment, the statute states that WDNR may not commence a civil enforcement action to collect forfeitures for a period of 90 days. If the participant corrects the violation(s) within the 90 day time frame, WDNR may not commence a civil action to collect forfeitures for the violations. This deferral of civil enforcement does not apply to criminal actions nor to violations discovered by WDNR before a company submits its audit findings.

If the participating company cannot remedy the situation within 90 days, it can negotiate a modification to its Cooperative Agreement containing a compliance schedule of up to 12 months. Should the company not meet their obligations under such a compliance schedule, WDNR has the authority to revoke or modify the Cooperative Agreement and collect any stipulated penalties that were negotiated as part of the compliance schedule.

IIT will determine what steps, if any, need to be taken to assure these provisions of the Wisconsin statute are implemented in a manner consistent with state and federal law.

Public Involvement in Developing, Piloting, and Evaluating Innovations

IIT will consult on an ongoing basis about the public involvement strategies employed in conjunction with the Program; assessing the extent to which they are consistent with the goals of the Program set forth in the Wisconsin statute and the principles set forth in the State/EPA Joint Agreement to Pursue Regulatory Innovation and evaluating strategies for improving their effectiveness.

IIT Process Relating to Specific Pilots

For purposes of this MOA, the Program process for developing and implementing company pilots is divided into four phases: (1) preliminary review of company applications, (2) WDNR/company negotiations, (3) implementation of a company pilot, and (4) evaluation of lessons learned and replication of successful innovations. WDNR and EPA will work together during each of these phases as set forth below. The level of EPA involvement, and thus the level of IIT activity, will vary depending on the types of innovations proposed for a pilot and the

extent to which these innovations trigger or call into question federal requirements. In some instances, EPA may have no involvement.

Phase 1: Preliminary Review of Company Applications

WDNR and EPA agree that for the overall process to proceed efficiently and successfully, the agencies need to communicate clearly during this early phase about the merits, challenges, and prospects of each potential pilot.

When WDNR receives an application from a company, it will forward a copy to the EPA IIT co-chair. Within four weeks, the EPA co-chair, will communicate by phone and in writing (email will suffice and may be preferable) to the WDNR co-chair initial reactions including an initial identification of potential issues relating to selection screening, potential alternative regulatory requirements, and possible barriers to such alternatives. Either agency may request a meeting during this phase if it believes one would be helpful in assuring clear, complete communication.

Phase 2: WDNR/Company Negotiations

WDNR and EPA agree that for pilot innovation efforts to succeed, they must proceed expeditiously through a creative negotiation/design phase. The mutually-agreed objective for this phase is to jointly develop creative approaches to environmental protection that can work from both the state and federal standpoint, within a timeframe that works for all parties involved (including the company).

The WDNR co-chair will notify the EPA co-chair by phone and in writing when WDNR decides to negotiate an agreement with a company. Along with the notification, the WDNR co-chair will convey a copy of the current draft of the proposed agreement and a description of proposed innovations it is considering incorporating into the agreement.

IIT will hold a scoping meeting if either agency believes EPA should be involved in developing any of the proposed innovations. Additional IIT meetings will be held in a timely manner as needed, with an overall timeframe of 3 months. Who should participate in these meetings will depend on the media and types of issues involved. Each agency agrees to involve all key program offices as helpful.

WDNR will take the lead in specifically defining the purpose and parameters of any proposed innovations it is considering incorporating into a cooperative agreement. IIT will then identify potential mechanisms for implementing each innovation on a pilot basis in a manner consistent with federal and state law.

The list of the potential mechanisms IIT develops, with explanation of the pros and cons of each, will be forwarded to the Secretary of WDNR and the EPA Region 5 Administrator. The Secretary and RA, after consultation with the heads of the relevant program offices and IIT co-chairs, will provide clear direction to IIT concerning which mechanism(s) to develop and pursue. IIT will then refine the strategy.

When WDNR and a company are ready to sign an agreement, EPA will be given a final opportunity to review the agreement and, if it affects a federally delegated or authorized program, to confirm that EPA is prepared to carry out any necessary federal implementing steps. The Regional Administrator will convey this confirmation in writing to the Secretary within the three month timeframe for this phase of IIT deliberations.

Phase 3: Implementation of a Company Pilot

WDNR and EPA agree to take all reasonable steps — through effective communication and collaboration — to ensure that each Program pilot proceeds smoothly through the implementation phase, with every reasonable opportunity to succeed.

IIT will assure that each agency makes a good faith effort to participate in the company's public involvement process, respond to any public inquiries or assist in other capacities. WDNR will provide EPA with a copy of each Program companies' performance evaluations. The agencies will work to develop a system for identifying Program companies in relevant databases and tracking systems so that all program offices will be aware of a company's participation in the Program. The programs also should see the pilots as opportunities to use existing data under their control and data from the projects to explore new ways to achieve greater environmental performance. IIT will convene to discuss any renewal of a cooperative agreement prior to WDNR making a final decision.

Phase 4: Evaluation of Lessons Learned and Replication of Successful Innovations

WDNR and EPA agree that, as emphasized in both the Joint State/EPA Agreement to Pursue Regulatory Innovation and the Wisconsin Environmental Cooperation Pilot Program statute, evaluating pilots and the processes by which they are implemented is an integral step in making systemic improvements to environmental regulatory programs. To this end, the agencies agree to work together in evaluating the success of individual pilots, the Wisconsin Program, and the two agencies' working relationship under this MOA.

IIT will assist WDNR in conjunction with external stakeholders to develop criteria and procedures for evaluating individual pilot projects that are consistent with and build on those set forth in the Joint State/EPA Agreement to Pursue Regulatory Innovation and the Wisconsin Environmental Cooperation Pilot Program statute, as well as the statute's requirements concerning company performance evaluations. Pilot project data may be submitted to the database for performance information from environmental management systems. Those data should be consistent with protocols developed by EPA and multi-state working group on environmental management systems.

The Wisconsin Program will be evaluated as set forth in the Joint State/EPA Agreement to Pursue Regulatory Innovation and the Wisconsin Environmental Cooperation Pilot Program statute. IIT will develop criteria for evaluating the agencies working relationship under this MOA.

APPENDIX G – WI/U.S. EPA ENFORCEMENT ACTION COMMUNICATIONS PLAN

June 21, 2001

Background: Region 5 and WDNR have authority to enforce environmental laws. As a result, Federally initiated enforcement actions can and do occur in the State of Wisconsin for both delegated and non-delegated programs. Region 5 and WDNR have identified a concern that advance notification of Federal enforcement actions has not always occurred consistently and, as a result, WDNR is at times caught unaware when the public or news media contact them regarding a Region 5 enforcement action. WDNR and Region 5 agree to improve communications regarding enforcement actions by developing this plan.

Purpose: Communication on enforcement program activities generally occurs at a couple of stages: 1) prior to an EPA decision on planned enforcement actions and 2) after a decision has been made to initiate enforcement. There is still some concern that the pre-decision communications are not always occurring satisfactorily, for the purposes of this plan, there was a decision to focus on the second communications need as it deals more directly with the issue raised by the State Director.

Communications Plan: Region 5 will notify the designated WDNR enforcement contacts in a timely manner on agreed upon types of enforcement cases in the State whether delegated or not. Types of enforcement actions covered by this communications plan include:

Administrative Actions: Finding of Violations & Notice of Violation
 Administrative Compliance Orders (on consent or unilateral)
 Administrative Penalty Order Complaints
 Consent Agreement and Final Order (CAFO)

Civil Judicial Actions: Judicial Complaints
 Judicial Consent Decrees (CD)

Each Region 5 Program Office Branch or Section Chief shall make a phone call no later than two days in advance of the action to the identified State contacts. If WDNR contacts are not available, a voice mail message will be left. See the Designated State Contacts Table below for information regarding WDNR contacts. This notification shall include the following information:

- facility name and location;
- date action is to take place;
- type of action being taken (e.g., administrative, judicial,...);
- value of the action (e.g., penalty amount, whether there is injunctive relief or a SEP);
- EPA contact; and
- whether there will be a press release and the timing of any planned press releases. (Note: Where appropriate, EPA should work with the State to include language in the press release regarding state coordination/participation.)

Confidentiality: Region 5 and WDNR agree that communication on enforcement matters in advance of filing or settlement are enforcement confidential and as such, they are not to be shared with respondents/defendants or the public, until Region 5 takes its final action.

Designated State Contact		
Notification Provided to	Notification Provided by	Preferred Mechanism for Communication
<p>Steve Sisbach (WDNR) Dir. of Environmental Enforcement (LE-5) Phone: 608/266-7317 Fax: 608/266-3696 Email: sisbas@dnr.state.wi.us</p>	<p>Program Branch/Section Chief</p>	<p>Telephone</p>
<p>William H. Smith (WDNR) Deputy Secretary (AD-5) Phone: 608/264-6133 Fax: 608/266-6983 Email: william.h.smith@dnr.state.wi.us</p>		<p>Telephone</p>